

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.117 of 2020

Arising Out of PS. Case No.-223 Year-2019 Thana- RIGA District- Sitamarhi

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RAMESH YADAV @ RAMESH KUMAR, age 34 years (Male), Son of Shri Nagendra Rai @ Nagendra Pd. Yadav, Resident of Village - Katahara, P.S.- Riga, Dist.- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Prabhat Kumar, Advocate.

For the Opposite Party : Mr.Shantanu Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 16-06-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323,307, 379, 120(B) of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that when the informant alongwith his family was going to his Sasural, two miscreants stopped him and one of them fired upon him which hit in the chest and hands of the informant and took his



Motorcycle. It is further alleged that the informant had land dispute with co-accused Subansh Rai as he has purchased 3.5 Acre land from his step mother-in-law. The informant had stopped him from ploughing that field one month ago and filed a case in this regard. At that time, co-accused Subansh Rai had threatened him. At the house of co-accused Gupta Yadav @ Anjani Kumar, Ramesh Yadav (petitioner) and 2-3 unknown persons were present. Gupta Yadav is a man of co-accused Subansh Rai and he had come to plough the field and for that very reason in a planned way, murderous attack was done upon him. The informant further claimed that due to land dispute, co-accused Subansh Rai had hatched conspiracy to commit his murder with the help of hired miscreants.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. No allegation of assault is alleged against the petitioner. No offence under Section 307 of the IPC is made out against the petitioner. Rest of the offences are triable by the Magistrate.

On behalf of the State, it is submitted that the



petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Judicial Magistrate- Ist Class, Sitamarhi, in connection with Riga P.S. Case No. 223 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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