

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15373 of 2020

Arising Out of PS. Case No.-629 Year-2019 Thana- KHAGARIA District- Khagaria

BIPIN YADAV Son of Parmanand Yadav @ Paro Yadav Resident of Village-
Khayar Diyara, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Kishor Poddar

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 12-11-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioner apprehends his arrest in Khagaria (Muffasil) P.S. case No. 629 of 2019 registered under Section 341, 323, 307, 504, 34 of the IPC.

The informant alleged that on 01.08.2019 his mother, Gayatri Devi, had gone to her field and saw that Arun Yadav and his wife were cutting maize crops. When the mother of the informant asked from Arun Yadav the reason for cutting maize crops some verbal altercation took place. After some time, Arun Yadav, Mohan Yadav, Bipin Yadav, the petitioner, Parmanand Yadav came to the house of the informant and began to abuse. On the order of Parmanand Yadav, Arun Yadav fired on the



informant and the informant got injury.

The learned counsel for the petitioner submits that, of course, the petitioner is named in the FIR but no allegation of assault is made against the petitioner. No overt act is alleged against the petitioner. On the order of Parmanand Yadav, Arun Yadav fired. The petitioner has come to the house of Arun Yadav, who happens to be relative of the petitioner, but the petitioner has falsely been implicated in the case due to land dispute. It is further submitted that from perusal of the FIR there appears to be bonafide land dispute between the informant and the accused and the occurrence took place due to cutting of maize crops.

The learned APP, however, opposed the prayer for anticipatory bail.

From perusal of the records, it appears that, of course, the petitioner is named in the FIR but no overt act is alleged against the petitioner. Order giver is Parmanand Yadav and Arun Yadav is said to have fired causing scratch injury on the parietal region of the informant. The occurrence took place due to land dispute.

Considering the facts aforesaid and nature of allegation made against the petitioner, the petitioner, above



named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. case No. 629 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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