

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15395 of 2020

Arising Out of PS. Case No.-407 Year-2019 Thana- DARIYAPUR District- Saran

1. KISHAN KUMAR PANDEY @ VAIBHAW KISHAN @ VIBHAW KISHAN S/o Munna Pandey @ Vijay Kumar Pandey R/o village- Shitalpur Kothi, P.S.- Dariyapur, District- Saran
2. Suresh Singh @ Suresh Kumar Singh S/o Mathura Singh R/o village- Shitalpur Balua Tola, P.S.- Dighwara, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-09-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioners apprehend their arrest in Dariyapur P.S. case No. 407/2019 registered under Section 147, 148, 149, 341, 323, 324, 307 of the IPC and u/s 25(1-b) a, 26 and 27 of Arms Act.

The informant named altogether eight persons and alleged that the accused persons came to plot No. 304, area three bigha 19 Katha, Khata No. 15, situated in village Akbarpur and started cutting Sesame trees. A case bearing No. 475 of 2018 is pending in the Bihar Land Tribunal with regard to the same land. It is further alleged that Abhay Kumar Pandey was armed with double barrel gun. Mritunjay Mohan was armed with country made pistol. Saket Kumar Pandey was armed with rifle and Babloo Pandey was armed with country made pistol.



Other accused persons were armed with different weapons. The accused persons made indiscriminate firing but informant and his men any how saved themselves and caught Abhay Kumar Pandey with double barrel gun and handed over him to the police.

The learned counsel for the petitioners submits that there is counter version being Dariyapur P.S. case No. 408 of 2019. Suresh Singh, petitioner No.2, who is not named in the FIR, is informant of the case. Suresh Singh alleged that while he was coming with his friend Abhay Kumar Pandey and others Birendra Rai, Vidhan Rai and others caught them and snatched his double barrel gun. Abhay Kumar Pandey also fired in air to save their lives but the accused persons pushed the vehicle outside the road and caught Abhay Kumar Pandey and snatched his gun. It is submitted that petitioner No.1 is, of course, named in the FIR but no specific allegation is made against him. On account of land dispute entire family members have been implicated in the case in order to grab the land.

The learned APP however opposed the prayer for anticipatory bail.

Perused the FIR.

It appears that petitioner No.1 is, of course, named in the FIR but petitioner No.2 is not named in the FIR. No specific allegation of firing is made against the petitioners. Nobody got any injury in the firing made by Abhay Kumar Pandey, the co-accused. There is counter version and a case between the parties is pending in the Bihar Land Tribunal.

Considering the facts aforesaid and nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest/ surrender before the court



below within a period of four weeks from the date of receipt/
production of a copy of this order are directed to be enlarged on
bail on their furnishing bail bond of Rs. 10,000/- (rupees ten
thousand) each with two sureties of the like amount each to the
satisfaction of learned Chief Judicial Magistrate, Saran at
Chapra in connection with Dariyapur P.S. case No. 407/2019,
subject to conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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