

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14479 of 2020

Arising Out of PS. Case No.-32 Year-2020 Thana- SAUR BAZAR District- Saharsa

1. RAMDAS YADAV Son of Late Jagdish Yadav Resident of Village- Sakhauri, P.S.- Sourbazar Patarghat O.P., District- Saharsa.
2. Bijendra Yadav @ Bauku Yadav Son of Shiv Narain Yadav Resident of Village- Sakhauri, P.S.- Sourbazar Patarghat O.P., District- Saharsa.
3. Anod Yadav Son of Late Deo Narayan Yadav Resident of Village- Sakhauri, P.S.- Sourbazar Patarghat O.P., District- Saharsa.
4. Raj Kishore Yadav @ Bucho Yadav Son of Late Sukhdeo Yadav Resident of Village- Sakhauri, P.S.- Sourbazar Patarghat O.P., District- Saharsa.
5. Ranjan Kumar Son of Late Ashok Yadav Resident of Village- Sakhauri, P.S.- Sourbazar Patarghat O.P., District- Saharsa.
6. Sushant Kumar Son of Bijay Kumar Resident of Village- Sakhauri, P.S.- Sourbazar Patarghat O.P., District- Saharsa.
7. Janardan Yadav Son of Ram Bahadur Yadav Resident of Village- Sakhauri, P.S.- Sourbazar Patarghat O.P., District- Saharsa.
8. Ranbir Son of Raj Kishor @ Buchay Yadav Resident of Village- Sakhauri, P.S.- Sourbazar Patarghat O.P., District- Saharsa.
9. Binod Yadav Son of Late Deo Narayan Yadav Resident of Village- Sakhauri, P.S.- Sourbazar Patarghat O.P., District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Tekriwal
For the Opposite Party/s : Mr.Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-07-2020 The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State.



The learned counsel for the petitioners, at the outset, submits that the petitioner no. 2 has been arrested, hence the present petition *qua* the petitioner no. 2 is not being pressed. Accordingly, the present petition *qua* the petitioner no. 2 stands dismissed as not pressed.

This is an application for grant of anticipatory bail in connection with Sour Bazar (Patarghat) PS case no. 32 of 2020 registered for the offences punishable under Sections 307 and allied sections of Indian Penal Code and 27 of Arms Act.

The case of the prosecution in brief is that the informant was getting his agricultural field ploughed by means of tractor on 21.01.2020, however the accused persons including the petitioners herein arrived at the said field while firing from their guns and when the informant had protested, the accused persons assaulted the informant.

The learned counsel for the petitioners submits that the petitioners are innocent, have been falsely implicated in the present case and if they had the intention of harming the informant, they could have fired from their guns upon the informant and killed him, however they have been alleged to have assaulted the informant by the butts of the guns, thus the entire story is false and concocted. It is further submitted that



admittedly, there is land dispute in between the parties and suit proceedings are pending adjudication.

The learned APP for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and gone through the materials on record and it is apparent from the impugned order dated 14.02.2020, passed by the learned court below that the witnesses examined during the course of investigation have supported the case of the prosecution. I also find from the records that the petitioners no. 1, 3, 4, 6, 7 and 9 are having bad antecedents and are accused in number of cases, hence this Court deems it fit and proper not to extend the privilege of anticipatory bail to such persons who are in the habit of violating the law with impunity and committing such crime as the present one. Accordingly, the present petition *qua* the petitioners no. 1, 3, 4, 6, 7 and 9 stands dismissed.

However, since the petitioners no. 5 and 8 are having clean antecedent and a general and omnibus allegation has been levelled as against them, I deem it fit and appropriate to grant benefit of doubt to them for the purposes of grant of anticipatory bail. Accordingly, the petitioners no. 5 and 8, in the event of their arrest or surrender before the court below within a



period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa in connection with Sour Bazar (Patarghat) PS case no. 32 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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