

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.17085 of 2020**

Arising Out of PS. Case No.-125 Year-2019 Thana- GHOSWARI District- Patna

BIRAN YADAV Son of Arjun Yadav Resident of Village - Tartar, Nijamat  
Tola, P.S.- Ghoswari, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Ashok Kumar

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      11-09-2020

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 petitioner and Sri Ashok Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Ghoswari PS case no. 125 of 2019 registered for the offences punishable under Sections 323 and other allied sections of Indian Penal Code and 25(1-b)/26/27 of Arms Act.

The allegation is regarding the informant who is an A.S.I. of Ghoswari P.S. having received information on mobile phone that on account of old land dispute, indiscriminate firing was taking place at village Tartar in between two parties, whereafter the police had reached the place



of occurrence and found some empty cartridges littered on the ground. Thereafter, the police party is said to have reached at the house of the petitioner, however he was not found there but on search, one countrymade pistol with an empty cartridge was found from beneath the bed.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that on account of village politics and enmity, the petitioner has been falsely implicated in the present case.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner and taking into account the fact that the petitioner is having a clean antecedent and he was not present at his house when the police is alleged to have recovered the countrymade pistol from beneath the bed of his house, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail. Accordingly, the abovenamed petitioner, in the event of his 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, is directed to be released on anticipatory bail



on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> class, Barh in connection with Ghoswari PS case no. 125 of 2019 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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