

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr. Misc. No. 21368 of 2020

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Binit Kumar @ Binit Yadav, son of Prem Lal Yadav, resident of village-
 Chhoti Olpura, P.S.-Ghogha, District-Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

.. ... Opposite Party

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Appearance :

For the Petitioner : Mr. Manohar Prasad Singh, Advocate
 Mr. Nagendra Kumar, Advocate
 Mr. Samir Kumar Sinha, Advocate
 For the Respondent State: Mr. Binod Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-07-2020 Heard Mr. Manohar Prasad Singh, learned counsel
 appearing on behalf of the petitioner and Mr. Binod Bihari
 Singh, learned Additional Public Prosecutor, for the State of
 Bihar.

This application for grant of anticipatory bail arises
 out of Kahalgaon (Ghogha) P.S. Case No. 556 of 2019,
 registered for the offence punishable under Sections 341, 323,
 307/34 of the Indian Penal Code and Section 27 of the Arms
 Act.

Apparently, there is a land dispute between the
 persons named in the First Information Report including the
 petitioner and the informant. Allegedly, on 19.08.2019, the
 petitioner and others were ploughing the disputed land forcibly.



When objected, the accused persons are said to have opened fire. There is allegation against the petitioner also of having shot at one Ranjan Yadav.

Learned counsel appearing on behalf of the petitioner has submitted that apparently no one received any firearm injury, which can be seen from the First Information Report itself. He has also argued that the petitioner's aunt has also filed criminal case against eight persons including the informant, which has been registered as Ghogha P.S. Case No. 335 of 2019 in relation to the occurrence of the same date.

Considering the nature of accusation in the First Information Report and the background of land dispute between the parties, this application is allowed.

Let the petitioner above named, in the event of his arrest/surrender within six weeks from today in the Court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Bhagalpur, in Kahalgaon (Ghogha) P.S. Case No. 556 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may



be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

It is indicated that defect, if any, shall be removed within two months.

Since there is a lock down, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social



distancing.

(Chakradhari Sharan Singh, J)

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