

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85007 of 2019

Arising Out of PS. Case No.-258 Year-2018 Thana- PIPRA District- Supaul

1. Bhupendra Yadav, Male, aged about 45 years, Son of Late Bachha Yadav, Resident of Village-Basaha, P.S.-Pipra, District-Supaul.
2. Jai Krishna Yadav, Male, aged about 40 years, Son of Mahendra Yadav, Resident of Village-Basaha, P.S.-Pipra, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Jha

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 26-06-2020 Heard both sides through video conferencing.

The petitioners apprehend their arrest in Pipra P.S. Case No.258 of 2018, registered under Sections 147, 149, 341, 323, 148, 307, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

Lalendra Yadav, the informant, named nine persons and alleged that all the accused persons having armed with different weapons came to the house of the informant and they started pelting stones. When the family members of the informant objected, Jai Krishna Yadav, petitioner no.2, is said to have ordered and on such Bhupendra Yadav, petitioner no.1, fired from his gun. Sikendra Yadav got firearm injury. Bhupendra Yadav also took out Rs.10,000/- from possession of Sikendra Yadav.

Learned counsel for the petitioners submits that there is a counter version being Pipra P.S. Case No.260 of 2018. There is a bona fide land dispute between the two sides. There is no allegation of assault against petitioner no.2. He is only an order



giver. The injury is simple in nature.

Taking into consideration the facts aforesaid and the fact that only Bhupendra Yadav is said to have fired causing firearm injury to Sikendra Yadav, I am not inclined to enlarge Bhupendra Yadav, petitioner no.1, on anticipatory bail. Accordingly, prayer for anticipatory bail of Bhupendra Yadav, petitioner no.1, is rejected.

So far as the case of Jai Krishna Yadav, petitioner no.2, is concerned, he is only an order giver. There appears to be a land dispute between the two sides and from the side of the petitioners there is a counter version being Pipra P.S. Case No.260 of 2018.

Considering the facts aforesaid, let petitioner no.2, namely, Jai Krishna Yadav in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be enlarged 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 Additional Chief Judicial Magistrate-VI, Supaul in connection with Pipra P.S. Case No.258 of 2018, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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