

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85808 of 2019

Arising Out of PS. Case No.-277 Year-2019 Thana- BAKHTIYARPUR District- Patna

BHAGWAT YADAV @ BHAGWAT SINGH Son of Munsii Yadav Resident of
Village- Chakdaulat, P.S.- Bakhtiyarpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur
		Mr. Shashank Shekhar
For the State		Mrs.Puspa Sinha
For the Informant		Mr. Yogesh Chandra Verma

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-01-2020 Heard learned counsel for the petitioner as well as

learned Addl. Public Prosecutor for the State and learned senior

counsel for the informant.

Petitioner seeks bail in a case registered under sections
147, 148, 149, 302, 307, 120B of the IPC and section 27 of the
Arms Act.

The prosecution case as per the fardbeyan of
Ramdhyan Yadav recorded by S.I. Dilip Chauhan of
Bhakhtiyarpur police station on 24.08.2019 at 4.00 P.M., is to
the effect that on 24.08.2019 at 1.30 P.M., the informant along
with his brother, Naresh Yadav, Akhilesh Yadav (deceased),
Surendra Yadav and nephew Lallu Kumar and Ranjit Kumar
was doing plantation in his land, in the meantime, co-villager
Dinesh Yadav came with licensed rifle along with Umesh Yadav,



who was armed with rifle, when Mahesh Yadav armed with country made pistol and Arvind Yadav and Dharo Yadav were also armed with country made pistol and all of them started indiscriminate firing. It is specifically alleged that Dinesh Yadav fired at Akhilesh Yadav causing injury on his face. It is also alleged that the victim also named Dinesh Yadav to have fired upon them. The petitioner is said to have given his arms to Dinesh Yadav. He is the main conspirator.

It is submitted by counsel for the petitioner that in the background of land dispute, the accusation has been levelled against the petitioner. There is specific accusation of firing by co-accused Dinesh Yadav and corroborative injury has been found on the victim. A statement has been made in paragraph 3 of the petition that the petitioner is accused in two other cases but he is on bail in those cases.

He further submits that co-accused Arbind Yadav and Dharo Yadav have been granted anticipatory bail in Cr. Misc. no.83785/2019. Petitioner is in custody since 21.10.2019.

Learned senior counsel for the informant submits that all accused persons including petitioner came variously armed, though it is admitted fact that firing made by co-accused Dinesh Yadav hit the victim. Petitioner was not at the place of



occurrence at the time of alleged occurrence.

Learned A.P.P. submits that the petitioner is also member of unlawful assembly and he was armed with country made pistol.

Considering the fact that the specific accusation of firing is only against co-accused Dinesh Yadav and said corresponding injury has been found on the body of the victim, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate I, Barh in Bakhtiyarpur P.S. Case no. 277/2019 subject to the following conditions.

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

s.hassan/-

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(Madhuresh Prasad, J)

