

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29183 of 2020

Arising Out of PS. Case No.-119 Year-2019 Thana- AKBARPUR District- Nawada

Rajpal Yadav, Son of Late Bharat Yadav, Resident of Mohalla - Mastanganj,
P.S.- Akbarpur, District - Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 29-01-2021 Heard learned counsel for the petitioner and Mr. Bal Mukund Prasad Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Akbarpur P.S. Case No. 119 of 2019 registered for the offences under Sections 147, 148, 149, 341, 323, 446, 427, 379, 307, 504 of the Indian Penal Code and Section 26/27 of the Arms Act.

Learned counsel for the petitioner submits that as per the allegations made in the First Information Report 11 named persons and 15 unnamed persons lashed with iron rod indulged in the alleged occurrence. The occurrence had taken place when the informant Pawan Yadav was constructing his house and was casting his roof on his land. It is alleged that co-accused Ramadhin assaulted him by iron rod on his hand whereas another co-accused Umesh caught hold of his hand and so far as this petitioner is concerned, the allegation



against him is that he had placed his pistol on the temporal region and fired on the informant.

Learned counsel for the petitioner submits that there is a counter case of the alleged occurrence. Copy of the counter case is Annexure '2' to the present application. It is submitted that the counter case has been lodged by the brother of this petitioner who has alleged that the informant Pawan along with some other named accused persons came to the house of the said Ramadhin while he was constructing his house and was standing on the roof, they entered in his house and with an intention to kill him, they started firing upon him. One of the shot fired at him hit on his left thigh causing grievous injury to him.

Learned counsel submits that both the parties are gotias and they have land dispute. It is submitted that from the case and counter case it would appear that both the parties seem to have got indulged in the alleged occurrence and injuries have been caused to both the sides. So far as one case against the petitioner is concerned, it is sated that the same was filed by the father of the present informant on account of land dispute in which the petitioner is on bail.

On the other hand, learned A.P.P. for the State has after going through the case diary submitted that in course of investigation it has come that the parties have land dispute and on account of this land dispute only the present occurrence has taken place and it has



come in the case diary that both the parties had fired upon each other and caused injury to both the sides. It is pointed out that so far as injury caused to the informant is concerned, two lacerated wounds caused by firearm have been found which are grievous in nature.

Having regard to the facts and circumstances of the case, wherein there is a case and counter case and it has come in course of investigation that both the parties have indulged in firing upon each other, they are gotias and it is submitted that in the said firing the injuries have been caused to both the sides and further that this petitioner has remained in jail since 19.11.2019, in the nature of the dispute, indulgence of both the parties and the materials on the record, this Court directs the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Nawada in connection with Akbarpur P.S. Case No. 119 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the



facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

