

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29524 of 2020

Arising Out of PS. Case No.-362 Year-2019 Thana- PAKARIBARAW District- Nawada

1. RANJAY YADAV Son of Gendo Yadav Resident of Village- Raje Bigha, P.S.- Pakaribarawan, District- Nawada.
2. Mahendra Yadav Son of Ramsaroop Yadav Resident of Village- Raje Bigha, P.S.- Pakaribarawan, District- Nawada.
3. Vikas Yadav @ Vikash Kumar Son of Harinandan Yadav Resident of Village- Raje Bigha, P.S.- Pakaribarawan, District- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 19-02-2021 Heard Mr. Pramod Kumar Verma, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned Additional Public Prosecutor appearing for the State.

Petitioners apprehend arrest in connection with Pakaribarawan P.S. Case No. 362 of 2019 registered for the offences punishable under Sections 147, 148, 149, 323, 325, 307 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation as per the First Information Report is that the petitioners along with other co-accused persons assaulted the informant. The allegation against petitioner No. 1 is that he fired upon the informant, but the bullet did not hit him



wheres the allegation against petitioner No. 2 is that he assaulted the informant by means of *lathi* on his head. The petitioner No. 3 is not named in the First Information Report and his name transpired in the supervision note.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute inasmuch as both the parties are agnates and co-sharers. Learned counsel further submits that the fire allegedly made by the petitioner No. 1 did not hit anybody and the informant has not received any injury on his head which would be evident from the injury report. Learned counsel also submits that there is no specific allegation against the petitioner No. 3 in the First Information Report and he is not named therein. Learned counsel next submits that similarly situated co-accused persons along with other co-accused persons named in the First Information Report have been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. 11116 of 2020.

On the other hand, learned counsel for the State referring to the case diary submits that the Doctor has not found any injury on the head of the informant and the injuries have been found on the finger, palm etc. of the informant.

Having regard to the submissions made by the parties



and taking into consideration the materials on record, the fact that both the parties are agnates having land dispute and no apparent injury on the head of the informant has been found as well as the similarly situated co-accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Shri Diwakar Kumar, learned Judicial Magistrate, 1st Class, Nawada, in connection with Pakaribarawan P.S. Case No. 362 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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