

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30139 of 2020

Arising Out of PS. Case No.-117 Year-2020 Thana- RAJAON District- Banka

-
1. NAVIN YADAV S/o Late Arjun Yadav R/o Vill- Garbhukitta, P.S.- Rajoun and District- Banka.
 2. Niraj Yadav S/o Late Arjun Yadav Resident of Village- Garbhukitta, P.S.- Rajoun and District- Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2021 Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners apprehend arrest in Rajoun PS Case No. 117 of 2020 registered under Sections 341, 323, 307 and 120B of the IPC.

It is alleged by the informant that based on existing land dispute between the informant with the petitioners and their brothers, some animosity subsists between the parties. The accused persons have ploughed his field by a tractor and on resistance by the informant, the accused persons have come armed with fire arms and fired upon the informant.

It is submitted by learned Counsel for the petitioners that even as per prosecution case the alleged shot did not hit anyone and



there is no injury to anyone. Even as per allegation in the FIR, co-accused Gaurav Yadav, Prince Yadav, Saurabh Yadav and their father Prakash Yadav were all armed and resorted to firing and there is no such allegation against the petitioners. Their implication is only on the basis of prior subsisting land dispute. It is further submitted that the petitioner has no criminal antecedent.

Learned APP for the State has opposed the prayer for anticipatory bail. He submits that other co-accused have been allowed regular bail and therefore this Court should relegate the petitioners to the remedy of regular bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Banka in Rajoun PS Case No. 117 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) 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.

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

(Madhuresh Prasad, J)

SNkumar/-

U		T	
---	--	---	--

