

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32022 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- SAHEBPUR KAMAL District- Begusarai

1. Rishideo Yadav, aged about 38 years, Gender- Male, Son of Shiv Nandan Yadav.
 2. Sanjay Yadav, aged about 32 years, Gender-Male Son of Shiv Nandan Yadav
 3. Ratan Kumar, aged about 25 years, Gender-Male, Son of Lalit Prasad Yadav
- All Resident of Village - Baburahi, P.S. - Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Narendra Kumar, Advocate
For the State	:	Mr. Jai Narain Thakur, APP
For the Informant	:	Mr. Ram Sumiran Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH
ORAL JUDGMENT

Date : 09-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Narendra Kumar, learned counsel for the petitioners; Mr. Jai Narain Thakur, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Ram Sumiran Rai, learned counsel for the informant.



3. The petitioners apprehend arrest in connection with Sahebpur Kamal PS Case No. 05 of 2020 dated 06.01.2020, instituted under Sections 341, 324, 307, 504, 506/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

4. The allegation against the petitioners is of firing on the informant and his brother and uncle though the same did not hit them.

5. Learned counsel for the petitioners submitted that the dispute is with regard to land and it was the informant side which was the aggressor for which counter case being Sahebpur Kamal PS Case No. 6 of 2020, has been instituted on the same day. It was submitted that from the FIR itself, it is clear that the allegation of firing which hit the informant on the leg is against another co-accused and not the petitioners. Learned counsel submitted that the petitioners have not caused injury to any person and they have no criminal antecedent.

6. Learned APP, from the case diary, submitted that witnesses have supported the allegation of firing against the petitioners though no injury was caused. However, it was further submitted that from the place of occurrence, four empty cartridges have been recovered, which clearly shows that there was firing by all the accused, including the petitioners. It was submitted that the



injury caused may not be of much significance for the reason that if firing was made, it is obvious that the intention is to cause serious harm to the victim and, thus, the good fortune of the victim not being harmed cannot be taken advantage of by the petitioners, who had fired on the victims.

7. Learned counsel for the informant submitted that co-accused Dheeran Yadav @ Dhiren Yadav @ Dheerendra Kumar Yadav has been granted regular bail by a co-ordinate Bench of this Court by order dated 05.06.2020 in Cr. Misc. No. 17938 of 2020 and, thus, the petitioners being identically situated to Dheeran Yadav @ Dhiren Yadav @ Dheerendra Kumar Yadav, the Court may not grant any indulgence. He also reiterated the fact that four empty cartridges have been recovered from the place of occurrence which clearly indicates that the allegation of firing against the petitioners is true.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

9. Accordingly, the application stands dismissed.

10. However, in view of submission of learned counsel for the petitioners, it is observed that if the petitioners appear before the Court below within four weeks from today and pray for



bail, the same shall be considered on its own merits, in accordance
with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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