

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32791 of 2020

Arising Out of PS. Case No.-44 Year-2020 Thana- RAJGIR District- Nalanda

KARAN YADAV @ RAJ KARAN Son of Bala Lakhendra Yadav @ Bala Lakhendra Prasad Resident of Village - Barchhibigha, P.S. Giriyak, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner is apprehending his arrest in a case registered under Sections 147, 148, 149 and 302 of the Indian Penal Code.

Allegedly, in the backdrop of land dispute, the brother of the informant was brutally assaulted by the accused persons as a result of which, the informant's brother died.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. Altogether nine persons are named in the FIR.



General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. In course of the occurrence, the butt of the gun and the iron rod were used for assaulting the deceased but gun was not used. Hence there was no intention on the part of the accused persons to commit murder of the deceased. At best, it is a case for the offence under Section 304 of the Indian Penal Code.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Rajgir P.S. Case No. 44 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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