

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9389 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- BUDDHACOLONY District- Patna

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Anand Kumar Yadav @ Nandu Yadav, aged about 52 years, male, Son of Shri Ramashish Rai @ Ram Ashish Roy, R/o Mohalla- Chakaram, P.S.- Budha Colony, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 21-12-2021 A supplementary affidavit has been filed on behalf of the petitioner across the Board. Let it be taken on record.

Heard Mr. Ajay Kumar Thakur, the learned Advocate for the petitioner and the learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in connection with Buddha Colony P.S. Case No. 228 of 2020, dated 07.09.2020, instituted for the offences under



Sections 147, 148, 149, 341, 307, 427, 385, 506, 324 and 326 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation against the petitioner is of having fired from his weapon which hit the brother of the informant in his hand. There was a dispute between the parties with respect to a plot of land over which a construction was being carried out at the instance of the informant. When that was protested, this occurrence is said to have taken place.

It has been submitted on behalf of the petitioner that though there is an accusation of firing from the weapon but considering the futility of the litigation between the parties who are neighbour, the dispute between them has been resolved and now the informant and the injured do not wish to prosecute the petitioner and others accused persons of this case any further. It has further been submitted that according to his information, the injury suffered by the victim does not appear to be life threatening.

Mr. Thakur, the counsel for the petitioner has also submitted that there is a counter version of the occurrence



also in which some of the persons from the side of the petitioner also have been injured. He submits that there is no explanation in the subject F.I.R. of the injuries suffered by the accused persons of the present case.

Notwithstanding the aforesaid arguments, I am not inclined to grant anticipatory bail to the petitioner for the reason that he is alleged to have opened fire which hit the victim.

The prayer for grant of anticipatory bail to the petitioner is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below, after taking into account the facts that the informant and the injured do not wish to prosecute the petitioner and other accused persons, who are his neighbours, any further, that the dispute over a plot of land on which the occurrence is said to have taken place has also been resolved and that the petitioner is gainfully employed as a publisher of books, shall pass order in accordance with law on its own merits, without being prejudiced by the fact that the present anticipatory bail



application has not been entertained by this Court.

The application stands dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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