

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21566 of 2021

Arising Out of PS. Case No.-9 Year-2020 Thana- BALIYA District- Begusarai

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BIRBAL YADAV @ DURBAL YADAV @ BIRBAL Son of Mohit Yadav
Resident of Village - Phulwaria, Naya Tola, Ward No.07, P.S.- Ballia, Distt.-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sandip Kumar Gautam, Advocate
For the Informant	:	Mr. Amarendra Kumar, Advocate
	:	Mr. Braj Bhushan Poddar, Advocate
For the State	:	Mr. Renuka Ratnakar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

4 29-06-2022 Heard learned counsel for the petitioner, the informant
and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302, 201
and 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent.

The informant alleges that his son had gone for a walk
and the informant was also at some distance behind him and
when the deceased reached near the house of Vijay Rajak, the
informant saw his named agnates including the petitioner had
caught his son armed with pistol and Sanjeet Yadav put pistol on
the head of the deceased. It is alleged that on seeing the said



occurrence, the informant came back to the village and narrated the occurrence to the villagers and again went to the place of occurrence but did not find anyone and on search, the dead body of the deceased was found in a mustered field. Thus, alleges that accused persons killed the son on account of land dispute.

Learned counsel for the petitioner further submits that petitioner has been falsely implicated in the present case. The informant has specifically named his agnates including the petitioner as the assailant. It is next submitted that informant is not an eyewitness to the occurrence and admittedly there is a land dispute between the parties. It is next submitted that some of the co-accused have been granted regular bail by this Court and some co-accused have been granted anticipatory bail by order dated 29.03.2022 in Cr. Misc. No. 37707 of 2021 and by order dated 02.03.2022 in Cr. Misc. No. 26723 of 2020.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that similarly situated co-accused have been granted anticipatory bail and some of the co-accused have been granted regular bail.

Considering the submissions made by the learned



counsel for the petitioner and the fact that the informant is not an eyewitness to the occurrence and the petitioner is not the agnate of the informant and some of the co-accused have been granted anticipatory bail and some co-accused have been granted regular bail, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Ballia P.S. Case No. 09 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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