

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25272 of 2021**

Arising Out of PS. Case No.-74 Year-2020 Thana- KHODAWANDPUR District- Begusarai

Vikash Yadav @ Vikash Kumar Yadav Son Of Sikendra Yadav R/O Village-
Khanjhanpur Ward No 06 P.S- Cheriabariyarpur Dist- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey- Advocate

For the Opposite Party/s : Mr. Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that while she was cutting wheat crop in the field of Chaudhary Patti when Biro Yadav unchained his buffalo, who came and started eating the wheat crop, which was objected by the informant, on which it is alleged that the accused persons including the petitioner came variously armed and assaulted the informant and her husband and when son of the informant Chhotu Kumar came to rescue them, then it is alleged that Biro Yadav and Chhotku Yadav assaulted him with lathi and rod and when her son started fleeing to save his life, then Barku Yadav, Brajesh Yadav, Nandan Yadav, Binod Yadav and



petitioner chased him by horse and caught him and assaulted him with pistol lathi and danda. Thereafter, Barku Yadav fired from his pistol with intention to kill the son of the informant, on which he became injured. Accordingly, he was taken to the hospital for treatment.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R. that the occurrence took place on a trivial issue of buffalo eating the wheat crop which was objected by the informant. It is next submitted that informant specifically alleges that it was Barku Yadav, who fired causing injury to her son. It is further submitted that as far as this petitioner is concerned, the allegation of assault against him is general and omnibus in nature. It is next submitted that the petitioner is a person with clean antecedent and is a young boy of 24 years of age.

Learned A.P.P. opposes the bail application and after going through the case diary submits that though the injuries received by Chhotu Kumar is lacerated and he had also received firearm injury, but the nature of injury is not recorded in the injury report.

The learned counsel for the petitioner submits that even presuming what has been alleged is true without admitting for the purposes of bail, then as far as this petitioner is concerned, the allegation of assault against him is general and omnibus in nature and as far as firing is concerned, this against Barku Yadav. The learned



counsel further submits that from the side of the petitioner, Barku Yadav @ Arun Kumar Yadav has instituted Khodawandpur (Chhaurahi O.P.) P. S. Case No.73 of 2020 and the present case came to be instituted by way of a counter-blast.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum 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 in connection with Khodawandpur (Chhaurahi) P. S. Case No.74 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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