

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35936 of 2021

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

Nagendra Yadav @ Nagendra Kumar, male, aged about 57 years, Son Of Sri Ramashish Rai, Resident Of Mohalla - Chakaram (S.K.Nagar), P.S.- Budha Colony, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Janardan Pd. Singh, Sr. Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 21-01-2022 Heard the counsel for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Budha Colony P.S. Case No. 228 of 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 in the F.I.R. is that the informant was threatened for not continuing with the construction work



despite the intervention of the police. On another occasion, it has been alleged, the accused persons including the petitioner tried to intimidate the informant and also opened fire, hitting one person at the construction site.

Mr. Janardan Prasad Singh, the learned Senior Advocate for the petitioner has submitted that the accusation is absolutely false. There had been a dispute at the time of construction of roof and parapet of one of the neighbours of the petitioner and the informant, namely, Sudhir Kumar and his wife who had objected such construction jutting out in their land. Because of such protest, a clash had taken place between the two families and neighbours for which another case was lodged *vide* Budha Colony P.S. Case No. 229 of 2020.

Though the petitioner has been named in the F.I.R. as an active participants in the case, but the learned Senior Counsel has pointed out that Sudhir Kumar, referred to above, is the cousin of the petitioner and, therefore, he too has been made accused in this case. It has further been submitted that the petitioner is a lawyer by profession and



because of the apprehension in the mind of the informant that the petitioner renders legal advise to his neighbours, he too has been roped in this case. Though there is an allegation against him and aforesaid Sudhir Kumar of having opened fire, but nobody has been injured by their firing.

The firing resorted to by one Anand Kumar Yadav @ Nandu Yadav has only hit one person in his hand. For the aforesaid reason, his anticipatory bail has been rejected by this Court on 21.12.2021 passed in Cr. Misc. No. 9389 of 2021.

The petitioner was earlier made accused in a case of Section 307 I.P.C. in the year 2002 only in which he is on bail.

Regard being had to the facts afore-stated and taking into account the fact that a proceeding under Section 144 Cr.P.C. has been initiated on the said plot of land because of the possibility of any dispute erupting during construction, the petitioner, in the event of his arrest or surrender before the learned Court below within a period of four 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 learned Additional Chief Judicial Magistrate-II, Patna in connection with Budha Colony P.S. Case No. 228 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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