

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48155 of 2021

Arising Out of PS. Case No.-34 Year-2021 Thana- KHAIRA District- Jamui

1. Rahul Yadav Son Of Chintaman Yadav @ Sitawan Yadav Resident of Village - Manjhiyani, Police Station - Khaira, District - Jamui.
2. Luxman Yadav Son of chintaman Yadav @ Sitawan Yadav Resident of Village - Manjhiyani, Police Station - Khaira, District - Jamui.
3. Chintaman Yadav Son of Thakuri Yadav Resident of Village - Manjhiyani, Police Station - Khaira, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sachida Nand Rai, Advocate
For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-06-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Sachida Nand Rai, learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Khaira P.S.Case No. 34 of 2021 registered for the offences punishable under Sections 147, 148, 149, 324, 307, 506 the Indian Penal Code and section 27 of the Arms Act.

As per prosecution case, it is alleged that on 26.01.2021, while the informant leveling his land with JCB, all



of a sudden, all the FIR named accused persons including the petitioners came there and started abusing and restrained them to work. It is further alleged that petitioner no. 3 namely, Chintaman Yadav ordered to kill the informant, whereupon the petitioner no.1 fired on the chest of the informant due to which, he sustained firearm injury. It is also alleged that petitioner no. 2 also fired but the same did not hit to anyone.

At the outset, learned counsel for the petitioner submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioners that there is admitted land dispute between the parties and so far as petitioner nos. 2 and 3 are concerned, they are not the assailant and moreover, the petitioner no. 3 is only an order giver. It is also submitted that injury report also corroborate only one firearm injury which is attributed to petitioner no. 1. It is next submitted that both the petitioner nos. 1 and 2 have fair antecedent and petitioner no. 3 was made accused in one case but the same has been resulted in submission of final form showing him innocent.

On the other hand, learned APP for the State opposes the bail application of the petitioner and submits that there is



specific allegation against all the petitioners.

Having considered the submissions made on behalf of the parties and taking into consideration the nature of specific accusation against the petitioner nos. 1 and 2, who fired upon the informant and the firing made by the petitioner no. 1 has inflicted firearm injury over the chest of the informant, this Court is not persuaded to enlarge the petitioner nos. 1 and 2 on anticipatory bail. However, so far as petitioner no. 3 is concerned, who is said to be an order giver and there is no allegation of any overt act against him, let the petitioner no. 3 namely, Chintaman Yadav, above named, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Khaira P.S.Case No. 34 of 2021 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(I) One of the bailors should be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation



as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or
intimidate the witnesses in course of investigation or during the
course of trial.

(Harish Kumar, J.)

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