

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48281 of 2021

Arising Out of PS. Case No.-26 Year-2021 Thana- BASANHI District- Saharsa

1. BINESH YADAV @ DINESH YADAV @ BINESH PRASAD YADAV S/o Late Bhogi Yadav Resident of village - Galaudha, P.S. - Basnahi, District - Saharsa.
2. BALRAM YADAV @ BALRAM KUMAR S/o Nityanand Yadav Resident of village - Galaudha, P.S. - Basnahi, District - Saharsa.
3. JAGDISH YADAV @ JAGDITH YADAV S/o- Kapuri Yadav Resident of village - Galaudha, P.S. - Basnahi, District - Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar, Adv.
For the Opposite Party/s	:	Mr.Brajendra Nath Pandey, APP
For the Informant	:	Mr.Amarnath Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in connection with Basnahi P.S. Case No.26/2021, registered for the offence punishable under Sections 323, 341, 324, 325, 307, 427, 447, 504, 506/34 of the Indian Penal Code.



Allegedly, for a dispute regarding construction of house, all the accused persons including the petitioners abused and assaulted the informant with intent to kill. Thereafter, the accused persons fired from the country made pistol upon the informant, his brother and his sister-in-law.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. There is an admitted land dispute between the parties. For the alleged occurrence, there is a case and counter-case between the parties. Although there is an allegation of firing but the injury report does not show fire arm injury to anyone which falsifies the allegation of firing. Petitioners have one criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail by submitting that there is specific allegations against the petitioners and one of the injuries of the informant is grievous in nature.

Having regard to the facts and circumstances of the case,



since the injury sustained by the informant is grievous in nature, I am not inclined to grant the privilege of anticipatory bail to the petitioners named above. The prayer for grant of anticipatory bail to the petitioners is rejected.

Accordingly, this application is dismissed.

However, petitioners are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, without being prejudiced of the dismissal of this application and considering that there is a land dispute between the parties.

(Anjani Kumar Sharan, J)

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