

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58903 of 2021

Arising Out of PS. Case No.-273 Year-2021 Thana- CHAPRA MUFFASIL District- Saran

VIJAY KUMAR YADAV @ VIJAY RAI S/o LATE SARAYUG RAY R/o
VILLAGE-METHWALIYA, P.S- MUFASSIL, DISTRICT-SARAN AT
CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Zeyaul Hoda, Advocate
For the Opposite Party/s	:	Ms. Madhuri Lata, APP
For the Informant	:	Mr. Jeetendra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-07-2022 Heard learned counsel for the petitioner, learned
counsel for 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 342, 326, 307 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 24.06.2021 at around 7:00 am, he along with his brother, Pankaj Kumar proceeded from their house for Umadha and when they reached near Vastu Vihar, all the accused persons on four motorcycles, including the petitioner, stopped the motorcycle of the informant and on orders of the petitioner,



Ravi Shankar Kumar fired on the informant which hit him below his right ear and crossed through his cheek and on alarm when local people assembled, the accused persons fled away.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on account of a land dispute and also a Probate Case No. 48 of 2020 is pending between the parties in the court of learned District Judge Saran at Chhapra. Learned counsel next submits that petitioner is own brother of Ravi Shankar and as such he has been falsely implicated in the present case in order to implicate the family members so that they do not pursue the probate case, it is further submitted that it absolutely does not stand to reason that if the petitioner would have asked Ravi Shankar to shoot himself whether he would have shot himself or not as such it is submitted that it is very easy to allege against any person that he is an order giver and based on his order, the occurrence was committed. Learned counsel further submits that brother of the informant, Pankaj Kumar is having criminal cases against him and has lots of enemies and it may be a possibility that occurrence took place in a different manner and the petitioner came to be implicated by way of afterthought

Learned A.P.P. for the State and learned counsel for



the informant oppose the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that petitioner is an order giver and thus there was a meeting of the minds between the petitioner and Ravi Shankar on account of which the present occurrence took place but is not able to rebut the submission of the learned counsel for the petitioner that had the petitioner asked Ravi Shankar to shoot himself whether he would have shot himself or not.

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 from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each 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 Chapra Muffasil P.S. Case No. 273 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

