

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19540 of 2023

Arising Out of PS. Case No.-439 Year-2021 Thana- FATEHPUR District- Gaya

Yadhunandan Yadav @ Yadhunandan Kumar, Son of Hemraj Prasad @
Hemraj Yadav, R/o Village- Bhetaura, P.S.- Fatehpur Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Deep Anshuman, Adv.
For the Informant/s	:	Mr. Praveen Kumar, Adv.
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard Mr. Deep Anshuman, learned counsel for the petitioner, Mr. Praveen Kumar, learned counsel for the informant and Mr. Sunil Kumar Pandey, learned APP for the State.

The petitioner apprehends his arrest in connection with Fatehpur P.S. Case No. 439 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 506, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged that while the informant and his mother was in their field, in the meantime, all the accused persons including the petitioner armed with lathi, rod, khanti and firearm came there and restrained them from cultivating the field. On



protest, co-accused Krishna Yadav, Om Prakash Kumar, Rambali Yadav, Bharat Yadav and Suresh Yadav assaulted the informant and others by means of different weapons. Allegation against the petitioner is of making firing upon upon the informant and others, however, the bullet did not hit anyone. In the aforesaid occurrence, the brother of the informant done to death by the accused persons.

Learned counsel for the petitioner submits that on account of land dispute, the present FIR has been instituted implicating the name of all the family members of the petitioner and other persons, who are in support of them. He further submits that at the time of alleged occurrence, the petitioner was pursuing his B. Tech at Uttar Pradesh and this fact has also been fortified during the course of investigation resulting into the submission of Final Form showing no participation of the petitioner in the present crime. The photocopy of the Final Form has been placed before this Court in support of his submission. He next submits that the petitioner is a student having fair antecedent and he undertakes that he will fully cooperate in the investigation and will not indulge in tampering with the evidence and intimidating the witnesses in any manner.

On the other hand, learned counsel for the State



submits that this is a case of brutal murder of a young person and all the accused persons including the petitioner in furtherance of a common intention, brutally assaulted the victim, who succumbed to the injuries during the course of treatment.

At this juncture, learned counsel for the informant, further submits that differing with the Final Form, the learned court below has taken cognizance for the offences as alleged in the FIR.

Regard being had to the submissions made on behalf of the parties and considering the fact that during the course of investigation the complicity of the petitioner has not come resulting into submission of the Final Form showing the petitioner as innocent, coupled with the fair antecedent and the fact that the petitioner is a student pursuing his B.Tech from Kali Charan Nigam Institute of Technology at Lucknow, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Gaya in connection with Fatehpur P.S. Case No.



439 of 2021, subject to the condition as laid down under Section
438 (2) of the Cr.P.C.

(Harish Kumar, J)

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