

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21269 of 2023

Arising Out of PS. Case No.-109 Year-2022 Thana- TEYAR District- Bhojpur

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Birbal Yadav, Son of Late Ram Das Yadav, R/V- Uttardaha P.S.- Tiyar, Dist-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking pre-arrest bail in connection with Tiyar P.S. Case No.109 of 2022 registered for the offences punishable under Sections 341, 323, 307 and 504 of the Indian Penal Code. The petitioner has got no criminal antecedent.

As per the prosecution story, on 06.09.2022 at about 6.00 pm when the informant was coming from field to his house with his son Santosh Kumar Singh and nephew Muni Lal then Birbal Yadav (petitioner) started to abuse on seeing them and went to the shop of Premchandra where he surrounded them, in the meanwhile, villagers assembled there and pacified the matter. It is further alleged that when the informant, his son and



nephew proceeded to their house then the Birbal Yadav assaulted the informant's son with Ramie but fortunately he somehow saved him and fled away. It is further alleged that thereafter the family of Birbal Yadav started to throw stone and at the same time Birbal Yadav started firing upon the informant's son which is passing through his right knee and thereafter Birbal Yadav opened fire in the sky. It is alleged that the informant, his son and nephew somehow fled away from there to the house of one Bihari Mahto.

Learned counsel for the petitioner submits that the present case is a counter blast of the case lodged by this petitioner against the informant being Tiyar P.S. Case No.108 of 2022 under Sections 341, 323 and 307/34 of the Indian Penal Code. Learned counsel submits that the injury allegedly caused to the informant is simple in nature as per Annexure- '3'.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the present case is a counter blast of the case lodged by this petitioner against the informant being Tiyar P.S. Case No.108 of 2022 under Sections 341, 323 and 307/34 of the Indian Penal Code, the injury allegedly



caused to the informant is simple in nature as per Annexure- '3' and the petitioner has otherwise no criminal antecedent, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhojpur at Ara in connection with Tiya P.S. Case No. 109 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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