

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25714 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- BELDOUR District- Khagaria

1. SHIVNANDAN YADAV Son of Late Mhavir Yadav Resident of Pirnagar, P.S.- Beldaur, District - Khagaria
2. Lalita Devi Wife of Bablu Yadav Resident of Pirnagar, P.S.- Beldaur, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandan Kumar

For the Opposite Party/s : Ms.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-05-2023 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor representing the State.

This application, for grant of anticipatory bail, arises out of Beldaur Police Station Case No. 128 of 2022, dated 17.06.2022, disclosing offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as per the First Information Report, is that the petitioners, along with other co-accused persons, twelve in number, arrived at the house of the informant and resorted to firing, due to which the mother of the informant sustained fire arm injury and died.



Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute and the allegation against the petitioners is general and omnibus in nature. He further submits that the police, after completion of investigation, submitted final form not sending the petitioners for trial, but the learned Magistrate, differing with the final report, took cognizance against the petitioners on 06.02.2023 without any material on record and in a mechanical manner. He next submits that the petitioner no. 1 is 80 years old, suffering from cancer and the petitioner no. 2 is a lady and is the daughter-in-law of petitioner no. 1.

Regards being had to the submissions advanced on behalf of petitioners and taking into consideration the fact that the petitioner no. 1 is an old person, the petitioner no. 2 is a lady and the police, after completion of investigation, has submitted final form not sending the petitioners for trial, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Khagaria, in connection with Beldaur Police Station Case No. 128 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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