

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37059 of 2023

Arising Out of PS. Case No.-228 Year-2020 Thana- BUDDHACOLONY District- Patna

Anand Kumar Yadav @ Nandu Yadav, Son of Shri Ramashish Rai @ Ram Ashish Roy Resident of village - Chakaram, P.S. - Buddha Colony, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Janardan Prasad Singh, Sr. Advocate
Mr. Dipak Kumar, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 06-10-2023 Heard Mr. Janardan Prasad Singh, learned Senior Advocate for the petitioner and Mr. Ram Priya Sharan Singh for the State.

2. The petitioner seeks bail in anticipation of his arrest in connection with Buddha Colony P.S. Case No. 228 of 2020, dated 07.09.2020, instituted for the offences under Sections 147, 148, 149, 341, 307, 427, 385, 506, 324 and 326 of the Indian Penal Code and Section 27 of the Arms Act.

3. For the reason of the petitioner having opened fire hitting the brother of the informant in his



hand, his anticipatory bail was rejected *vide* order dated 21.12.2021 in Cr. Misc. No. 9389 of 2021. However, while rejecting the prayer for anticipatory bail, this Court clarified that the dispute is with respect to a plot of land over which construction was being carried out and that such dispute has now been resolved and therefore no good purpose would be served in continuing with the litigation. This Court also has noted that there is a counter version of the occurrence in which persons from the side of the petitioner also has been injured.

4. Thus, while rejecting the prayer for anticipatory bail of the petitioner, it was observed that if the petitioner surrendered before the court below, all the aforementioned grounds shall be taken into account and a reasoned order shall be passed without being prejudiced by the fact that the Court did not grant him anticipatory bail.

5. The petitioner has chosen to file a fresh anticipatory bail petition for consideration before this



Court.

6. This Court is not inclined to entertain the petition and therefore this petition is again disposed off with the same observation that if he surrenders before the court below within a period of four weeks from today and prays for bail, it shall be considered on its own merits, taking into account that the informant does not wish to prosecute the petitioner any further as the dispute between them has been resolved and that there is a counter case in which there have been injuries on persons from the side of the petitioner as also the fact that the petitioner is a publisher of books, and the court shall pass orders in accordance with law without being prejudiced by the fact that his anticipatory bail has twice been rejected.

7. The petition stands disposed of.

(Ashutosh Kumar, J)

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