

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41253 of 2023

Arising Out of PS. Case No.-779 Year-2022 Thana- BRAHMPUR District- Buxar

Deepak Kumar @ Deepak Yadav @ Deepak Kumar Yadav Son Of Vijay
Yadav Resident Of Village- Chakki Bhola Dera , Ps- Brahampur (Chaki OP)
Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. N.K.Agrawal, Sr.Adv. Dimpal Kumari, Kumar Rajdeep, Advocate(s)
For the State	:	Mr.Ashok Kumar Singh,APP
For the Informant	:	Mr.Anil Kumar Ray,Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 18-09-2023 Heard learned senior counsel for the petitioner,

learned A.P.P. for the State and learned counsel appearing on

behalf of informant.

2. The petitioner apprehends his arrest in a case
registered for the offence under Sections 147, 148, 149, 447,
504, 323, 307, 427, 507 of the Indian Penal Code and later on,
Sections 337, 338, 302 of the I.P.C. were added.

3. As per the prosecution case, on 02.11.2022, due to
land dispute between the parties, all the 17 F.I.R. named accused
persons including this petitioner armed with deadly weapon
came at the door of informant and started to destroy his cottage
and drain in front of his house. Some of the persons climbed up



on roof of the house and started pelting bricks and stones and thereafter, co-accused Raju Yadav opened fire, as a result of which Awadesh Yadav @ Triloki Yadav suffered fire-arm injury and died.

4. It is submitted on behalf of petitioner that as per F.I.R. itself, specific accusation of causing death by fire-arm is against co-accused Raju Yadav. So far as this petitioner is concerned, there is no specific allegation of overt act against him. It is further submitted that petitioner and informant are *agnate*, but only due to village politics, petitioner has been falsely implicated by the informant in this case. Petitioner has got clean antecedent.

5. Learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bxuar in connection with Brahampur (Chaki O.P.) P.S. Case No. 779 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal



Procedure.

(Prabhat Kumar Singh, J)

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