

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54922 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- BARH District- Patna

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RANJIT YADAV @ AJIT KUMAR SON OF NAGESHWAR YADAV @
MAULI YADAV RESIDENT OF VILLAGE- MANGARCHAK, PS- NTPC.
DIST- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. A.K. Thakur, Ms. Vaishnavi Singh, Advocates.
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP
For the Informant	:	Mr. Prem Ranjan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-08-2023 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. Prem Ranjan Kumar, learned counsel appearing for the informant and Mr. Md. Mushtaque Alam, learned Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with Barh PS Case No. 98/2023 dated 10.02.2023 registered for the offence punishable under Sections 302/120(B)/34 of the IPC and Section 27 of the Arms Act.

3. As per prosecution case, on 10.02.2023 the informant was coming along with his father and sister on a motorcycle and as soon as they reached near village, Berhna crossing the over bridge at Konhar, six miscreants came on two



motorcycles and accosted the motorcycle of informant. One co-accused, Arun Yadav pushed the motorcycle of informant and father of the informant fell down. One another co-accused, Nageshwar Prasad, grand son of the informant gave order to kill his father upon which co-accused, Bablu Yadav fired upon father of the informant due to which he died. One co-accused, Sanjay Yadav opened fire upon the informant which did not hit him. It has further been alleged that the petitioner who is the uncle of the informant along with one Mauli Yadav were also present at the place of occurrence holding guns in their hands.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute between the parties. Learned counsel further submits that a partition suit is pending between the family members in which the petitioner is one of parties. He next submits that from perusal of the FIR, it appears that six person riding on two motorcycles accosted/intercepted the father of the informant and one of them Bablu Yadav opened fire upon him due to which he died. The petitioner is not an assailant and at the bottom of the FIR, it has been stated that the petitioner was also seen near the place of occurrence holding gun and instigating the accused persons.



5. On the other hand, learned counsel for the informant vehemently, opposes the prayer for anticipatory bail and submits that due to land dispute the petitioner along with other accused persons with common intention hatched a conspiracy to kill the father of the informant and accordingly, six miscreants riding on two motorcycles intercepted the motorcycle of the informant's father and killed him. He also submits that the petitioner's participation in conspiracy cannot be ruled out.

6. Regards being had to the submissions made by the parties, taking into consideration the fact that both the parties are closely related, a partition suit is pending between them, as per the allegation made in the FIR petitioner is not the main assailant and at the bottom of the FIR, it has only been stated that the petitioner was seen near the place of occurrence after the firing made upon the father of the informant, I am inclined to grant anticipatory bail to the petitioner.

7. Accordingly, let the petitioner, named above, in the event of arrest or surrender within six weeks from today, be released on anticipatory bail, 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- 1st Barh, Patna in connection with Barh PS Case
No. 98/2023, subject to the condition as laid down under
Section 438(2) CrPC.

(Anil Kumar Sinha, J)

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