

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52299 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- SHANKARPUR District- Madhepura

SADANAND YADAV, S/O Late Bindeshwari Yadav, R/O Maura Jharkaha,
Tola Kalhua, P.S.- Shankerpur, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2023 Heard Mr. Dinesh Prasad Verma, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Shankarpur P.S. Case No. 132 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 447, 323, 307, 379, 384, 386, 504, 506 of the Indian Penal Code. And Section 27 of the Arms Act.

3. Allegedly while the informant was ploughing the field through his Tractor, in the meanwhile, all the F.I.R. named accused persons and 8-10 unknown persons variously armed came there and started abusing and made indiscriminate firing. It is further alleged that the petitioner along with co-accused Satendra Yadav resorted to firing over the door of the informant



and co-accused Sanjay Yadav took away the tractor to his house.

4. Learned counsel appearing on behalf of the petitioner submits that from the narration of the F.I.R., it appears that there is a long standing land dispute and enmity between both the parties. That apart, a Title Suit No. 586 of 2022 has also been filed by the person of petitioner's side and admittedly a proceeding under Section 144 of the Cr.P.C. was also initiated. He further submits that earlier Fulia Devi, Bhabhi of the petitioner, had also lodged Shankarpur P.S. case no. 81 of 2021 against the informant and others. He next submits that even as per the allegation made in the F.I.R., it appears that none has sustained any injury and so far the allegation of firing is concerned that is only with a view to implicate the name of all the family members of the petitioner. He lastly submits that the petitioner is also carrying one criminal antecedent, but the same is also instituted by the persons of informant's side.

5. On the other hand, learned APP for the State opposes the bail application and submits that specific allegation of firing has been levelled against the petitioner, though the same did not hit to any one.

6. Regard being had to the submissions made on behalf of the parties and considering the genesis of the



occurrence and the pendency of the cases between the parties and the fact that none has sustained any injury, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhepura in connection with Shankarpur P.S. Case No. 132 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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