

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53251 of 2023

Arising Out of PS. Case No.-30 Year-2023 Thana- NOORSARAI District- Nalanda

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1. JITENDRA YADAV S/O SHRI DEVSHARAN YADAV R/O VILLAGE-PACHASA, P.O - MORA TALAB, P.S - RAHUI, DISTT.- NALANDA.
 2. SANJAY YADAV @ SANJAY KUMAR S/O SHRI DEVSHARAN YADAV R/O VILLAGE- HAWANPURA BHANDARI, P.S- RAHUI, DISTT.- NALANDA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 307, 324, 326, 341, 323/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent.

4. The informant alleges that he has five brothers and his elder brother Ramjanam Yadav has got land in excess of his share. In this regard, a Panchayati was held but Ramjanam Yadav was not ready to partition the property in equal share amongst the brothers. He further alleges that his elder brother



along with the petitioners and Ravi Yadav started pelting stones from the terrace causing injury to him and his other brother on the head. He next alleges that Ramjanam Yadav and Sanjay Yadav fired and Jitendra Yadav gave orders to kill. Thereafter Ramjanam Yadav fired causing injury to the wife of the informant and Sanjay Yadav (petitioner no. 2) fired at him but missed. He also alleges that in the occurrence his brother Dharamraj Yadav and sister-in-law Girija Devi (Bhabhu) got seriously injured. Further, the wife of the informant was admitted in the Sadar Hospital, Bihar Sharif from where she was referred to VIMS Hospital, Pawapuri.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that co-accused Ramjanam Yadav is own brother of the informant and petitioners are own brother-in-laws of Ramjanam Yadav i.e. brother of the wife of Ramjanam Yadav. It is next submitted that petitioners are related to the wife of Ramjanam Yadav as such they have also been dragged in the case. It is also submitted that though against the petitioner no. 2, it is alleged that he fired but then no injury was caused, hence, it appears that the allegation is ornamental in nature. It is further submitted that on account of dispute relating to property, the



alleged occurrence is said to have taken place but then specific allegation of firing is against Ramjanam Yadav on the wife of the informant but then petitioners are not alleged to be the main assailant.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Noorsarai P.S. Case No. 30 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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