

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70648 of 2023

Arising Out of PS. Case No.-277 Year-2022 Thana- UDAKISHUNGANJ District-
Madhepura

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Vijay Yadav @ Bijay Yadav Son Of Deonarayan Yadav Village Teldiha,
Police Station Udakishunganj, District Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Dr. Sanjay Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Uda Kishunganj P.S. Case No. 277 of 2022, registered for
the offences punishable under Sections 341, 323, 504 and
506/34 of the Indian Penal Code and Sections 25 (1-b)a, 35 and
27 of the Arms Act.

3. As per the written report, it is alleged that all the
accused persons, including the petitioner, armed with deadly
weapon, riding on two motorcycles came to village Tirasi and
ordered for fishing from a pond, which was protested by the
villagers. On protest being made, co-accused Vivek Yadav @



Gabbar ordered to kill them, thereupon all the accused persons made indiscriminate firing. However, in course of firing, the villagers surrounded all the accused persons and co-accused Vivek Yadav @ Gabbar was apprehended along with a country made pistol and motorcycle. Other accused persons having seen the villagers in large number, succeeded in fleeing away after leaving the motorcycle.

4. Learned counsel appearing on behalf of the petitioner submits that the present FIR is nothing but an offshoot of dispute with regard to the fishing over a pond and the name of the petitioner has been implicated in this case on the instigation made by rival group. Further submissions has been made that the petitioner is a man of fair antecedent and there is omnibus allegation of firing. He next submits that the petitioner has neither any connection with the co-accused Vivek Yadav @ Gabbar nor with the motorcycle, which is alleged to have been seized from the place of occurrence. He lastly submits that the petitioner undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on



behalf of the parties and considering the omnibus nature of allegation and the fact that the petitioner has no concern with the alleged seized motorcycle, which was said to have been recovered from the place of occurrence, coupled with the fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate I, Uda Kishunganj, Madhepura in connection with Uda Kishunganj P.S. Case No. 277 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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