

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19345 of 2024

Arising Out of PS. Case No.-202 Year-2023 Thana- BEERPUR District- Begusarai

1. Rambali Yadav Son of Late Ram Sagar Yadav Resident of Village- Hamodih Ward No.-06, P.S.- Birpur, Dist.- Begusarai
2. Chandan Yadav @ Chandan Kumar Son of RamJapo Yadav Resident of Village- Hamodih Ward No.-06, P.S.- Birpur, Dist.- Begusarai
3. Chintu Yadav @ Chintu Kumar son of Ramjapo Yadav Resident of Village- Hamodih Ward No.-06, P.S.- Birpur, Dist.- Begusarai
4. Cheton Yadav @ Cheton Kumar Son of RamJapo Yadav Resident of Village- Hamodih Ward No.-06, P.S.- Birpur, Dist.- Begusarai
5. Sintu Yadav @ Sintu Kumar son of RamJapo Yadav Resident of Village- Hamodih Ward No.-06, P.S.- Birpur, Dist.- Begusarai
6. Dev Narayan Yadav Son of Late Ramkrishan Yadav Resident of Village- Hamodih Ward No.-06, P.S.- Birpur, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh
For the Informant	:	Mr. Rambabu Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 09-09-2024

1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 326, 307, 507, 379 and 427 of the Indian Penal Code read with Section 27 of the Arms Act.

3. The SHO-cum-Investigating Officer of the case, in



compliance of the order dated 05.09.2024, is present.

4. Learned counsel for the petitioners submits that no doubt petitioners have antecedent of criminal cases as recorded at Para-3 of the anticipatory bail application, but then all the cases have been instituted either from the side of the informant or at the instance of the informant. It is also submitted that from side of the petitioners also FIRs have been instituted against the side of the informant. It is next submitted that though there is allegation of firing by Bramhdev Mahto causing firearm injury to Bhuneshwar Yadav on his right leg and Ramjapo Yadav causing firearm injury on Bijul Yadav, but it is submitted that it has been specifically pleaded at Para-12 of the anticipatory bail application that none of the injured suffered any firearm injury. It is also submitted that from perusal of the injury report, it would manifest that the same records that the injury has been caused by hard and blunt substance. It is next submitted that petitioners and the informant are *agnates* and they are having dispute relating to property. It is further submitted that the SHO-cum-Investigating Officer of the case was directed to remain physically present by order dated 05.09.2024 to explain that as to what transpired during the course of investigation i.e. whether the injured suffered firearm injury or not.

5. The SHO-cum-Investigating Officer of the case,



who is present in the Court, submits that he has joined recently and prior to him the case was investigated by another Investigating Officer. It is next submitted that he has not seen the injured, but then the opinion with regard to the injury is reserved. It is also submitted that the injury report records that the injury has been caused by hard and blunt substance.

6. The learned counsel appearing on behalf of the informant submits that no doubt in the injury report, it has been recorded that injury has been caused by hard and blunt substance, but then the opinion with regard to the injury is reserved for the reason that the doctors, till date, have not been able to come to a conclusion that as to whether the injury suffered by the injured was by gunshot or not.

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

8. 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 trial court 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 trial court where the case is pending/successor court in connection with Birpur P.S. Case No.



202 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioners shall verify whether any of the injured suffered firearm injury or not from the injury report and in the event if it is found that any of the injured suffered firearm injury in that event, the present anticipatory bail order shall not be given effect to.

10. It is also made clear that the learned Trial Court shall also verify the criminal antecedent of the petitioners and in the event if it is found that petitioner nos. 1, 2, 3, 4, 5 and 6 have more than 4, 3, 3, 4, 3 and 2 antecedents respectively, in that event also the present anticipatory bail order shall not be given effect to.

11. The personal appearance of the SHO-cum-Investigating Officer of the case is dispensed with.

12. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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