

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70940 of 2023

Arising Out of PS. Case No.-577 Year-2023 Thana- KOTWALI District- Patna

Jai Prakash @ Jai Prakash Yadav Son Of Late Vidya Nand Rai R/O Pahalwan
Market, Hartali More, P.S.- Kotwali, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binay Kant Mani Tripathi, Adv.
For the Opposite Party/s	:	Mr. Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-02-2024 Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 506, 448, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the F.I.R., the allegation against the petitioner is he has fired upon the informant and his family members. One, Anand Kumar brother of the informant has sustained grievous injury by fire arm.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. No such occurrence as alleged ever took place. He has been



falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. Both the petitioner and the informant are own agnates. He further submits that petitioner has fired in defense of his life and petitioner has license of the said pistol. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that petitioner is a criminal. Learned counsel for the informant further submits that there is evidence against the petitioner in the case diary, during the investigation, the Investigating Officer has collected the material against the petitioner.

6. Having regard to the facts and circumstances of the case, considering the arguments of the parties it is found that there is admitted land dispute between the parties and petitioner has fired in defense of his life, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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
Kotwali P.S. Case No. 577 of 2023, subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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