

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85482 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- BARARI District- Katihar

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Vibhuti Nath Yadav @ Bibhuti Nath Yadav @ Bibhuti Yadav Son of Late
Munshi Lal Yadav Resident of Village - Laxmipur, P.S. - Barari, District -
Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jibendra Mishra, Advocate

For the Opposite Party/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Barari P.S. Case No. 226 of 2023, registered on 03.07.2023 for the offences under Sections 341, 323, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the allegation against the petitioner is that he and other co-accused persons



surrounded the informant and one of the co-accused persons opened fire causing injury on the head of the informant. The occurrence took place in the background of long standing land dispute.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and only allegation against the petitioner is that he gave order for killing the informant. But the allegations are not believable. The dispute between the parties is admitted and there has been standing feud since 2011. No independent witness has been examined and even the driver of the E-rickshaw from which the informant had been returning to his house was not examined. Moreover, the allegation of firing is against unknown co-accused said to be friend of co-accused Amit Yadav. The informant is a man of dubious character and is on inimical terms with a number of persons. Recently he has kept a widow with him and her son might have been involved in the alleged crime against the informant and taking advantage of land standing feud, the petitioner and his family members have been falsely implicated in this case. Learned counsel further submits that similarly placed co-accused Punit Yadav has been granted anticipatory bail by a Co-ordinate Bench vide order dated



10.01.2024 passed in Cr. Misc. No. 79698 of 2023 and the case of this petitioner is on similar footing. The petitioner has got no criminal antecedent and even old man aged about 70 years.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication in the background of long standing feud, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Katihar/concerned court in connection with Barari P.S. Case No. 226 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the



court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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