

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45878 of 2014

Arising out of PS. Case No. -162 Year- 2013 Thana -JEHANABAD District- JEHANABAD

- =====
1. Anil Yadav, Son of Nonu Yadav .
 2. Nonu Yadav, son of Late Shiv Nandan Yadav.
- Both are residents of Village- Shiva Bigha, Police Station-
Jehanabad in the district of Jehanabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.48069 of 2014

Arising out of PS.Case No. -162 Year- 2013 Thana -JEHANABAD District- JEHANABAD

- =====
1. Kameshwar Yadav, son of Late Shiv Nandan Yadav.
 2. Manoj Yadav, son of Kameshwar Yadav.
 3. Madhesh Yadav @ Mahesh Yadav, son of Kameshwar Yadav.
- All are residents of village- Shiv Bigha, Police Station-
Jehanabad in the district of Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.45878 of 2014)

For the Petitioner/s : Mr. Sunil Kumar
For the Opposite Party/s : Mr. Asha Devi, APP

(In Cr.Misc. No.48069 of 2014)

For the Petitioner/s : Mr. Ranjeet Kumar
For the Opposite Party/s : Mr. C.Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-04-2015 Heard Mr. Sunil Kumar, learned counsel appearing

for the petitioners in the two applications and learned counsel

for the State.

The petitioners in these two applications apprehend

their arrest in connection with Jehanabad P.S. Case No.162 of

2013 registered for the offences punishable under sections 147, 148, 149 and 307 of the Indian Penal Code and section 27 of the Arms Act.

Mr. Kumar, learned counsel appearing for the petitioners with reference to the FIR submits that whereas there is no specific allegation against the petitioner no.2 in Cr. Misc. No.45878 of 2014 and petitioner nos.1 and 3 of the other application, the petitioner no.1 (Anil Yadav) of Cr. Misc. No.45878 of 2014 has been charged of causing fire-arm injury on the informant and petitioner no.2 Manoj Yadav in Cr. Misc. No.48069 of 2014 has allegedly threatened the villagers by firing in the air. He submits that the parties are in litigation and the informant of this case is an accused for the murder of the son of Kameshwar Yadav and the matter has been put to trial. It is argued that it is merely to rope these petitioners in a criminal case that the occurrence has been stage managed by the informant himself which is also reflected from the charge-sheet submitted by the investigating agency though learned Magistrate while differing from the charge-sheet has taken cognizance against the petitioners including the informant for the offences.

Mr. Kumar submits that although paragraph 34 of the

case diary reflects some kind of injury but it is stated to be lacerated wound. He submits that the police after investigation had reported that the said injury is also stage managed by the informant.

Having heard learned counsel for the parties and taking note of the circumstances existing and the submissions of learned counsel for the petitioners, let the petitioners, namely, Anil Yadav, Nonu Yadav (in Cr. Misc. No.45878 of 2014), Kameshwar Yadav, Manoj Yadav and Madhesh Yadav @ Mahesh Yadav (in Cr. Misc. No.48069 of 2014) in the event of their arrest or surrender within four weeks from today be released on bail upon each of them furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad P.S. Case No.162 of 2013; subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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