

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16006 of 2016

Arising Out of PS.Case No. -367 Year- 2014 Thana -SAHEBPUR KAMAL District- BEGUSARAI

Dablu Yadav Son of Late Surya Narain Yadav Resident of Village-
Gyantol, P.S.-S.Kamal, in the district of Begusarai

.... Petitioner/s

Versus

The State of Bihar

... Opposite Party/s

With

Criminal Miscellaneous No.16032 of 2016

Arising Out of PS.Case No. -367 Year- 2014 Thana -SAHEBPUR KAMAL District- BEGUSARAI

Pinku Singh, Son of Devo Singh @ Devanand Singh, Resident of Village -
Jamandigiri, P.S. - Muffasil Munger, District - Munger

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.16006 of 2016)

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Khurshid Anwar, APP

(In Cr.Misc. No.16032 of 2016)

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Kr. Ranjit Ranjan, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-05-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in jail custody since
5.1.2016 in connection with S.Kamal P.S. Case No.367 of 2014
for offences punishable under sections 341, 323, 307 and 387/34
of the Indian Penal Code and 27 of Arms Act.

The prosecution case is that on 21.12.2014 the informant
was returning from Munger by selling milk and on way at about
8 PM when he reached in a wheat field of village Durakhpur he



is said to have found his co-villager namely Mangal Yadav, accused petitioner Dablu Yadav and Pinku Singh along with two unknown persons who began firing on the informant by surrounding him with intention to kill. It is said that informant fell down in the field on having been seriously injured. He is said to have begun raising alarm. According to the informant on hearing of gun firing sound and noise several villagers had rushed there and by that time all accused fled away. Villagers thereafter took the informant to Saheb Pur Kamal Hospital by a tractor where he is said to have been under treatment. According to the informant motive of this crime was that on 20.12.2014 accused Mangal Yadav, Dablu yadav and Pinku Singh had asked to make payment of Rs.50/- per bundle as rangdari on having harvested grass from the field which the informant objected and upon which the accused along with other thought to teach lesson. Jagdeo Yadav has put his signature as attesting witnesses of the *fardbeyan*.

It has been submitted by the learned counsel for the petitioners that they have falsely been implicated in the aforesaid case and the allegations as made in the FIR are totally false and fabricated. He submits that the informant used to cut grass from their field for which they objected and these petitioners have falsely been implicated. He further submits that the injury is not on the vital part of the body hence section 307 is not applicable.

Learned APP for the State submits that the petitioners are named in the FIR and the injury is by fire arm on the right thigh and between right knee and leg and hence opposes the prayer for bail.

Be that as it may let the petitioners be released on bail by furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of like amount to the satisfaction of learned Additional Chief Judicial Magistrate V, Begusarai in connection with S.Kamal, P.S. Case No.367 of 2014.

It is however made clear that since the petitioner Dablu Yadav is involved in the similar cases earlier he must appear before the court/police as and when required and failure to appear on two consecutive dates without any reason will entail cancellation of his bail bonds.

It is also made clear that if the petitioners indulge in a case of similar nature in future the learned court below will be at liberty to cancel the bail bonds of petitioners without being prejudiced with this order.

(Nilu Agrawal, J)

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