

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34990 of 2017

Arising Out of PS.Case No. -66 Year- 2017 Thana -MAJHAHGARH District- GOPALGANJ

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1. Ratikant Yadav, Son of Jagarnath Yadv,
2. Dipu Yadav @ Pankaj Yadav, Son of Ratikant Yadav, Both R/o Village-
Paithanpatti, Malikana, P.S.- Majhagarh, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman

For the Opposite Party/s : Mr. Lalan Kumar

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 17-10-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
28.04.2017 in connection with Majhagarh P.S. Case No. 66/2017
for offences punishable under Section 307 and other allied
Sections of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he was sitting in his house, the petitioners, who are his
co-villagers, along with eight others variously armed with
weapons started abusing the informant's side. Allegation upon
petitioner no. 1 is that he fired from his licensed gun on one
Nitesh Kumar Singh, which hit him on his chest. Allegation
upon petitioner no. 2 is of firing on Rahul Kumar Singh which



hit him on his neck.

It has been submitted by the learned counsel for the petitioners that they are innocent and because of being on inimical terms the informant's side had also lodged Majhagarh P.S. Case No. 64/2017 in which petitioners are on bail. He submits that the present case is a counter-blast to a case lodged by the petitioners being Majhagarh P.S. Case No. 65/2017. He further submits that final injury report has come in which it is stated that the injured Nitesh Kumar Singh and Rahul Kumar Singh were admitted in B.R.D. Medical College, Gorakhpur on 28.04.2017 and discharged on 03.05.2017 and the Medical Officer, Sadar Hospital, Gopalganj has assessed the injury to be simple in nature.

However, learned counsel appearing for the informant vehemently opposes the prayer for bail stating therein that the petitioners have created a reign of terror and are misusing their licensed gun for which the police has taken steps for its cancellation. He submits that apart from the present case, as many as three cases are pending against petitioner no. 2 and one more case is pending against petitioner no.1 apart from the present case. Because the informant had entertained one of the patidars of the petitioners with whom they are on inimical terms, such incident occurred.



He further submits that as many as 12 injuries have been found on the person of Nitesh Kumar Singh and six injuries on the person of Rahul Kumar Singh.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and the opinion of the medical report as well as the period of custody, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Majhagarh P.S. Case No. 66/2017, subject to the following conditions :

- (i) Both the bailors would be close relatives of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.
- (ii) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.
- (iii) If the petitioners indulge in an offence of similar nature



in future, the prosecution will be at liberty to move the learned court below for cancellation of their bail bonds.

(Nilu Agrawal, J)

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