

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.790 of 2018

Arising Out of PS.Case No. -632 Year- 2017 Thana -KHAGARIA District- KHAGARIA

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1. Bhumi Yadav, S/o Late Bindeshwari Yadav,
2. Mohan Yadav @ Mohan Kumar S/o Bhumi Yadav
3. Ram Kumar Yadav S/o Rajendra Yadav All are Resident of Village-
Labhgown, P.S.-Gangour, District-Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.
Mr. Arun Kumar Gupta, Adv.
For the Opposite Party/s : Mr. Sri Binod Kumar 3
For the Informant : Mr. Jai Kishore Poddar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Khagaria (Gangour) P.S.Case No. 632 of 2017 registered
under Sections 341, 323, 307, 504, 506/34 of the Indian Penal
Code and 27 of the Arms Act.

It is submitted by the learned counsel for the
petitioners that prior to the institution of the present case Khagaria
(Gangour) P.S.Case No. 630 of 2017 was registered under
Sections 341, 323, 307, 504, 506 and 448 read with 34 of the
Indian Penal Code against the informant and others on the
statement of the petitioner no.1 Bhumi Yadav. As the petitioner



no.1 was badly injured, his fardbeyan was recorded in Sadar Hospital, Khagaria on 10.09.2017 at 15.10 p.m. whereas the present case has been instituted on the basis of the statement of the informant having been recorded on 15.09.2017. The instant case has been instituted by the informant just in order to save his own skin in Khagaria (Gangour) P.S.Case No. 630 of 2017. He also submitted that even otherwise the main allegation is against co-accused Umesh Yadav, who is alleged to have opened fire causing pellet injury to the informant, which was found simple in nature by the doctor, who examined him.

On the other hand, learned counsel for the State opposed the application for grant of pre-arrest bail to the petitioners. He submitted that as per the First Information Report, on the order of the petitioner no.1, co-accused Umesh Yadav had resorted to firing and petitioner no.2 Mohan Yadav is also alleged to have opened fire, which did not hit the informant.

I have heard learned counsel for the parties and perused the record.

Regard being had to the submissions made on behalf of the parties as also the facts and circumstances of the case, the petitioners, who are said to be men of clean antecedent, are directed to be released on bail on furnishing bail bond of



Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Gangour) P.S.Case No. 632 of 2017, in the event of arrest or surrender before the court below within four weeks from today, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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