IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34046 of 2018

Arising Out of PS. Case No.-73 Year-2018 Thana- KOPA District- Saran

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1. Ajay Kr. Yadav @ Ajay Yadav @ Ajay Kumar Yadav
2. Manish Kumar
   Both Sons of Lakhichand Yadav
3. Arbind Kumar @ Arvind Kumar @ Arvin Kumar, son of Ajay Kr. Yadav @ Ajay Yadav @ Ajay Kumar Yadav
   All Residents of Village- Bankata, Police Station - Kopa, District- Saran at Chhapra.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Sri Upadhyay Saurabh Kumar, Advocate
For the Opposite Party/s : A.P.P.
For the informant : Sri Anant Kumar Bhaskar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

3 04-07-2018 Heard Sri Upadhyay Saurabh Kumar, learned counsel for the petitioners , learned Additional Public Prosecutor as well as Sri Anant Kumar Bhaskar, learned counsel, who has voluntarily appeared on behalf of informant.

Three petitioners, who are in custody since 03.05.2018 in connection with Kopa P.S. Case No. 73 of 2018, registered for the offence under Section 147, 148, 323, 325, 307, 379, 504 & 506 of the Indian Penal Code, 1860 (hereinafter referred to as the “I.P.C.”) , have prayed for grant of bail.

Learned counsel for the petitioners by way of referring to the statement made in paragraph no. 10 of the

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petition submits that from petitioners' side itself earlier an F.I.R. was lodged , which was numbered as Kopa P.S. Case No. 72 of 2018, whereas the present case was filed subsequently. It has also been argued that on trivial issue in between two 'pattidars' dispute had taken place in which colour of serious offence has been given. By way of referring to F.I.R. , learned counsel for the petitioners tried to persuade the court that considering the accusation, there is no application of offence under Section 307 of the I.P.C., however, without any reason Section 307 of the I.P.C. has been added. Learned counsel for the petitioners has also drawn my attention to the statement made in paragraph no. 3 of the petition to show that all the petitioners are having clean antecedent .

Sri Anant Kumar Bhaskar, learned counsel for informant has vehemently opposed the prayer for grant of bail. It was argued that in the case petitioners' side were aggressors and they had given serious injuries on the person of informant's side. In the case elbow of one person from informant's side was broken.

Besides hearing learned counsel for the parties, I have perused the materials available on record. Considering the fact that there was case and counter case in between the parties as

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well as nature of accusation, there is no reason to further detain the petitioners in custody. Accordingly, let aforesaid three petitioners, namely: (1) Ajay Kr. Yadav @ Ajay Yadav @ Ajay Kumar Yadav, (2) Manish Kumar , and (3) Arbind Kumar @ Arvind Kumar @ Arvin Kumar 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 Additional Chief Judicial Magistrate – IVth, Saran at Chhapra / concerned court in connection with Kopa P.S. Case No. 73 of 2018.

(Rakesh Kumar, J)

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