

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8221 of 2018

Arising Out of PS. Case No.-29 Year-2017 Thana- ALOULI District- Khagaria

1. Satto Yadav, Son of Saburi Yadav,
2. Dipo Yadav, Son of Saburi Yadav,
3. Lalan Yadav, Son of Dipo Yadav,
4. Sajjan Yadav, Son of Dipo Yadav,
5. Shyam Kumar, Son of Subodh Yadav,
All are Resident of Village-Sanjhouti, P.S.-Alauli, Dist.-
Khagaria Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. DR. INDIWAR KUMARI

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 20-02-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

It has been submitted by the learned counsel for the
petitioners that petitioner no. 5 Shyam Kumar has been arrested
and as such his prayer for pre-arrest bail has become infructuous
and accordingly, permission has been sought to withdraw his
prayer for pre-arrest bail.

Prayer is allowed. Accordingly, the prayer of petitioner no.
5 Shyam Kumar for grant of pre-arrest bail is hereby dismissed
as withdrawn.

Petitioners no. 1 to 4 above named apprehend their arrest in
connection with Alauli P. S. Case No. 29 of 2017 registered for
the offences punishable under Sections 341, 323, 379, 504,



506/34 of the Indian Penal Code and Section 27 of the Arms Act.

Allegedly, when the informant was watering her field with machine, co-accused Subodh Yadav switched off the machine and on protest being made, Subodh Yadav, Mithilesh Yadav and Rakesh Yadav started firing in the air and all the accused persons chased the son of the informant intending to assault him but somehow he saved himself. In the next morning when the informant reached to her field, she found that the machine worth Rs. 14,000/- and pipe worth Rs. 4,000/- were traceless, regarding which it is alleged that the petitioners have taken away.

Submission is of false implication and that the main allegation is against Subodh Yadav and others and not against the petitioners, the petitioners have been implicated only with a view to counter the case i.e. Alauli P. S. Case No. 28 of 2017, for the occurrence of 04.02.2017 the first information report has been registered on 07.02.2017, similarly situated co-accused Teji Devi has been allowed pre-arrest bail by another co-ordinate Bench of this Court and as such the petitioners deserve sympathetic consideration.

Learned APP opposes the prayer of pre-arrest bail.



In the facts and circumstances stated above, considering the nature of accusation against the petitioners and delayed lodging of the FIR, the petitioners above named, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, are directed to be released on bail on execution of 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, Khagaria in connection with Alauli P. S. Case No. 29 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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