

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15755 of 2019**

Arising Out of PS. Case No.-149 Year-2018 Thana- KHAGARIA District- Khagaria

Manish Yadav, Son of Rajniti Yadav, Resident of Village - Barkhandi Tola,
P.S.- Mufassil, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Sanjay Kumar

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 14-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 27.08.2018 in a case registered for the offences punishable under Sections 147, 149, 448, 341, 323, 385, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Shrawan Yadav submitted to the Station House Officer of Muffasil Police Station, Khagaria is to the effect that on 16.03.2018 at 5.00 P.M., the son of the informant, Arjun Yadav was returning after getting the cattle grazed when all the 14 accused persons including the petitioner surrounded him and on the order of co-accused Rajniti Prasad, the petitioner assaulted with spear on the son of the informant causing injury in his hand



and all the accused persons demanded extortion of Rs. 1 lac and threatened the informant of dire consequences. It is further alleged that the accused persons resorted to firing also.

It is submitted by learned counsel for the petitioner that there is no accusation of repeating the blow which suggests that the petitioner had no intention to kill the son of the informant. It is further submitted that the investigation has already been concluded.

Learned APP submits that there is specific accusation of assault against the petitioner.

Considering the fact that the FIR has been registered in all the bailable provisions of the IPC except Section 27 of the Arms Act and there is no specific accusation against the petitioner that he resorted to fire, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Khagaria in connection with Khagaria Muffasil P.S. Case No. 149 of 2018.

(Dinesh Kumar Singh, J)

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