

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12861 of 2020

Arising Out of PS. Case No.-119 Year-2017 Thana- GAYA MUFASIL District- Gaya

1. RAJENDRA YADAV, aged about 50 years, Male, S/o Deodhari Yadav, Resident of Village- Bisar, P.S.- Muffasil, Distt- Gaya
2. Rabindra Yadav, aged about 45 years, Male, S/o Deodhari Yadav, Resident of Village- Bisar, P.S.- Muffasil, Distt- Gaya
3. Tarun Yadav @ Arun Yadav, aged about 30 years, Male, S/o Deodhari Yadav Resident of Village- Bisar, P.S.- Muffasil, Distt- Gaya ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Sheikh Arkan Ahmad, Adv.

For the Opposite Party : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 03-07-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state through video conferencing.

The petitioners seek pre-arrest bail in connection with Muffasil P.S. Case No. 119 of 2017, registered under Sections 341, 323, 325 and 307/34 of the Indian Penal Code and 27 of the Arms Act.

The accusation is that in the morning of 05.04.2017 informant was returning to his house and in the way he reached near the house of Ramji Mistri, at that time, seven persons, named in the first information report, including the petitioners, Rajendra Yadav, Rabindra Yadav and Tarun Yadav, variously armed with weapons, surrounded him. At that time,



Chandeshwar Yadav started firing, but, he any-how saved himself, thereafter, Kailash Yadav and Rajendra Yadav gave the khanti blow on him causing fracture of left fore arm and others also caused injury through lathi. Bablu Kumar Singh, son of the informant, rushed to save him, he was also assaulted. On reaching the villagers all fled away from there giving threatening, thereafter, the injured have been taken to hospital for treatment. The cause of occurrence is litigation due to land dispute.

Submission is that in fact, due to land dispute the occurrence of marpeet took place in which petitioners' side also sustained injury regarding which Gaya Muffasil P.S. Case No. 104 of 2017 is instituted against the informant of the present case and others. Further, submission is that there is no specific overt act against the petitioners 2 and 3, Rabindra Yadav and Tarun Yadav, whereas allegation is made against petitioner no. 1, Rajendra Yadav, and Kailash Yadav to cause injury at the fore-arm through khanti, but, Kailash Yadav has already been granted the privilege of pre-arrest bail vide Cr. Misc. No. 65416 of 2019 on 10.12.2019. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the



case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Muffasil P.S. Case No. 119 of 2017 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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