

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19788 of 2020

Arising Out of PS. Case No.-273 Year-2019 Thana- MANSI District- Khagaria

1. Sanjeev Yadav @ Sanjeev Kumar Son of Indradeo Yadav Resident of Village - Dhamhara, P.S.- Mansi, District - Khagaria.
2. Gautam Yadav @ Gautam Kumar Gambhir Son of Yogendra Yadav Resident of Village - Tekaria, Ward No.5, P.S.- Chautham, District - Khagaria.
3. Mahanand Yadav Son of Jawahar Yadav Resident of Village - Sisba, P.S.- Chautham, District - Khagaria.
4. Mukesh Yadav Son of Hansraj Yadav Resident of Village - Sisba, P.S.- Chautham, District - Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sudish Kumar, Adv.

For the Opposite Party : Mr. Anil Kumar Singh No. 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 26-08-2020 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioners are in jail custody since 11.12.2019 in Mansi P.S. Case No. 273 of 2019 registered for the offences punishable under Sections 302 and other minor sections of the Indian Penal Code as well as 27 of the Arms Act.

Petitioner no. 1, namely, Sanjeev Yadav @ Sanjeev Kumar and petitioner no. 2, namely, Gautam Yadav @ Gautam Kumar Gambhir are not named whereas petitioner no. 3,



namely, Mahanand Yadav and petitioner no. 4, namely, Mukesh Yadav are named in the first information report. The name of petitioners no. 1 and 2 came in this case when the further statement of informant was recorded. According to prosecution case, other named accused opened fire on the informant's brother as a result whereof, informant's brother died and so far as petitioners no. 3 and 4 are concerned, it is alleged that petitioners no. 3 and 4 as well as some others opened fire as a result of which one Md. Abdul Salam sustained injury on his hand. The statement of injured Abdul Salam has been recorded at para 53 of the case diary and the aforesaid injured Abdul Salam specifically stated that he sustained firearm injury by rifle of Sachidanand Yadav. The above stated injured Abdul Salam has, nowhere, stated about the so-called firing made by petitioners no. 3 and 4. The aforesaid injured Abdul Salam claimed that petitioners no. 1 and 2 were also present over the place of occurrence having small weapon in their hands but the aforesaid injured Abdul Salam has, nowhere, stated about the so-called firing made by petitioners no. 1 and 2.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioners, above named, be released 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 Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 273 of 2019.

(Hemant Kumar Srivastava, J)

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