

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76811 of 2019

Arising Out of PS. Case No.-242 Year-2019 Thana- DURGAWATI District- Kaimur (Bhabua)

1. BIDHYASAGAR YADAV @ VIDYASAGAR SINGH Son of Ghurphekan Yadav, Resident of Village- Sawath, P.S.- Durgawati, District- Kaimur at Bhabua.
2. Prabhu Narayan Yadav @ Prabhu Yadav S/o Vidyasagar Yadav, Resident of Village- Sawath, P.S.- Durgawati, District- Kaimur at Bhabua.
3. Ghanshyam Yadav Son of Vidyasagar Yadav, Resident of Village- Sawath, P.S.- Durgawati, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Jha

For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-03-2020 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P.

Petitioners seek bail in Durgawati P.S. Case No.242 of 2019 registered under Sections 341, 323, 504, 506, 307, 414 and 34 of the IPC and under Section 25(1-b)a, 26 and 35 of the Arms Act.

The informant being police official alleged that after having received information that Jai Prakash Singh and Vidyasagar Yadav were quarreling on account of land dispute went in the village and on information raided the house of the petitioners. One double barrel gun, live cartridges, stolen



motorcycle, etc. were recovered from the house of the petitioners.

Learned counsel for the petitioners submits that the license of the gun was standing in the name of brother of petitioner no.1 but license was not renewed. There is no allegation that the petitioners used gun and caused any injury to the informant. The informant received injuries, which are simple in nature and caused by hard and blunt object. The petitioners are in custody since 31.08.2019, therefore, the petitioners deserve bail.

Learned A.P.P. as well as learned counsel for the informant vehemently opposed the prayer for bail and submitted that the petitioners have got criminal antecedent and they are musclemen. They used to threaten the villagers.

It appears from perusal of the records that omnibus and general allegation is made against the petitioners and when the police reached at the place of occurrence on the statement made by the villagers, the house of the petitioners was searched. One double barrel gun along with live cartridges and stolen motorcycle were recovered but for that the petitioners have already remained in jail for more than six months. Petitioner Nos.1 and 2 are accused in Durgawati P.S. Case No.88 of 2015



and petitioner no.3 is accused in Durgawati P.S. Case No.387 of 2018 registered under section 37(i)(ii) of the Excise Act. The informant got simple injury caused by hard and blunt object.

Having considered the facts aforesaid, the petitioners named above are directed to be released on bail on furnishing bail bonds of Rs.10,000/-(rupees ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M., Kaimur at Bhabua in connection with Durgawati P.S. Case No.242 of 2019.

(Prabhat Kumar Jha, J)

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