

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 86548 of 2019

Arising Out of PS. Case No.-410 Year-2014 Thana- KHAGARIA District- Khagaria

1. DEVILAL YADAV @ DEVILAL KUMAR S/o Babajee Yadav, Resident of Village- Baluahi, P.S.- and District- Khagaria.
2. Sunil Yadav,
3. Pramod Yadav
4. Pawan Yadav
Petitioner no. 2 to 4 are Ss/o Ugramohan Yadav, Resident of Village- Lagar, P.S.- Parbatta, District- Khagaria.
5. Vikram Kumar @ Vikrant Kumar S/o Sikandar Yadav,
6. Sikandar Yadav S/o Babaji Yadav,
Petitioner no. 5 to 6 are Residents of Santosh, P.S.- Morkahi, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 323, 504, 506, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in brief is that the informant Indal @ Indrjeet Kumar filed a written report before the S.H.O., Khagaria P.S. against these petitioners and others alleging



therein that on 11.05.2014 he was in the mango orchard and his father was watching maize field situated beside the orchard. It is further alleged that one day before the occurrence the accused had assaulted for which Khagaria P.S. Case No. 25 of 2014 was lodged. It is further alleged that in the meantime petitioners alongwith other FIR named accused persons variously armed with lathi, iron rod and country made pistol surrounded the informant and assaulted him. Co-accused Lalan Yadav shot at the informant which hit at his left hand, co-accused British Yadav indiscriminately assaulted on the head of the informant with iron rod and informant fell down. It is further alleged that petitioner Devilal and co-accused Lalan and British Yadav with an intention to kill assaulted on his head. Further accused persons assaulted the father of the informant. When the accused felt that informant and his father are dead then they dragged them to throw in the river Gandak. But on arrival of the persons nearby, the accused persons fled away. Thereafter, the victims were brought to Sadar Hospital, Khagaria and later they were referred to Begusarai and further to Patna.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case due to family enmity and land dispute. Police has



submitted chargesheet against co-accused Lalan Yadav, British Yadav and Babajee Yadav for the offences 341, 323, 307, 34 of the I.P.C. showing final form against these petitioners and the learned C.J.M. took cognizance against all accused persons including these petitioners. There is no specific allegation against these petitioners. The petitioners have got no criminal antecedent.

In the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Khagaria, in connection with Khagaria P.S. Case No. 410 of 2014, G.R. No. 1394 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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