

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1038 of 2021

Arising Out of PS. Case No.-63 Year-2020 Thana- MORKAHI District- Khagaria

1. NARESH YADAV S/O SHANKAR YADAV R/O VILLAGE-BENHAR, WARD NO.08, P.S.-MORKAHI, DISTRICT-KHAGARIA.
2. BABLOO YADAV S/O SHANKAR YADAV R/O VILLAGE-BENHAR, WARD NO.08, P.S.-MORKAHI, DISTRICT-KHAGARIA.
3. PANDAV YADAV S/O SHIVCHARAN YADAV @ DOHRAI YADAV R/O VILLAGE-BENHAR, WARD NO.08, P.S.-MORKAHI, DISTRICT-KHAGARIA.
4. SHANKAR YADAV S/O LATE RAMESHWAR YADAV R/O VILLAGE-BENHAR, WARD NO.08, P.S.-MORKAHI, DISTRICT-KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 02.01.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

The petitioners apprehends his arrest in connection with Morkahi P.S. Case no. 63 of 2020, registered under Sections 147, 341, 323, 307, 325, 504 and 506 of the Indian Penal Code.



The accusation is that seven persons named in the F.I.R., including the petitioners, came near the informant Bhagwan Choudhary and started to abuse. When informant made protest then Shankar Yadav (petitioner No.4) ordered to kill on which Dheeraj Yadav caused blood oozing injury through lathi at his left hand, when Mithilesh Choudhary and Bhushan Choudhary, nephew and cousin of informant Bhagwan Choudhary, rushed to save then Bakheri gave iron rod blow at the head of Mithilesh Choudhary, Bhushan Choudhary was also assaulted by Babloo Yadav (Petitioner No.2) through country made pistol. At that time, Babloo Yadav (Petitioner No.2) also made firing in the air and threatened for dire consequences in case of filing of case.

Learned counsel for the petitioners submits that while petitioner Nos. 1, 3 and 4, namely, Naresh Yadav, Pandav Yadav and Shankar Yadav are named in the F.I.R., but no specific overt act has been attributed against them. Further submission is that while allegation has been made against petitioner No.2 Babloo Yadav to the effect that petitioner No.2 caused injury to Bhushan Choudhary through country made pistol and he also fired in the air. Moreover, the injuries as found on the person of informant and others are simple in



nature, which would appear from order dated 01.10.2020 passed in A.B.A. No. 489 of 2020 by the Sessions Judge, Khagaria rejecting the prayer for pre-arrest bail of petitioner. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Khagaria in connection with Morkahi P.S. Case No. 63 of 2020 (G.R. No. 1813 of 2020), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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