

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4168 of 2021

Arising Out of PS. Case No.-194 Year-2020 Thana- MUNGER MUFFASIL District- Munger

BATUL YADAV @ RISHIKESH YADAV SON OF LATE MASUDAN
YADAV RESIDENT OF VILLAGE/MUHALLA - PAENE, POLICE
STATION - SULTANGANJ, DISTRICT - BHAGALPUR, AT PRESENT
BANK, POLICE STATION - MUFFASIL, DISTRICT - MUNGER

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mrs.Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-03-2021 Heard both parties.

The petitioner seeks bail in Muffasil P.S. Case No. 194 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, on 15.08.2020 at 5.15 pm, altercation was going on between Brajesh Kumar and his cousin Deepak Kumar. Since the wife of informant is Mukhiya of Bank Panchayat, the informant along with his cousin brother Ravi Kumar @ Chhotu went at the house of Brajesh Kumar to pacify the matter. In the meantime, other co-accused persons having armed with deadly weapons got down from a four wheeler and started abusing. On protest, Ashok Yadav and



Deepak Yadav along with other accused persons surrounded the informant and started assaulting him with fists and slaps and co-accused Pramod Yadav ordered Deepak Yadav to fire, thereafter, Deepak Yadav fired upon the informant which hit his left leg and he fell down on the ground. When his cousin brother Ravi Kumar @ Chhotu came to save the informant, co-accused Jairaj Yadav @ Gautam, Bheem Yadav @ Sumit Kumar, Deepak Yadav, Batul Yadav (petitioner), Sumit Paswan and private guard of Jairaj Yadav started dragging him to the mountain side with intention to kill him. Thereafter, co-accused Jairaj Yadav fired upon Ravi Kumar which hit his neck as a result of which he became injured and fell down. Thereafter, the accused persons fled away after seeing the villagers. All the injured including the informant were taken to the hospital for treatment by the villagers.

It is submitted on behalf of the petitioner that there is case and counter case. This case is counter blast of Muffasil P.S. 197 of 2020 which has been lodged by co-accused Jairaj Yadav @ Gautam Yadav against the informant and others. Admittedly, there is land dispute between the parties and both sides sustained injuries and are Gotia. Petitioner is simply a member of mob and is in custody since 30.08.2020. Chargesheet has



already been submitted.

Considering the facts and circumstances of the case, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Munger in connection with Muffasil P.S. Case No. 194 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Prabhat Kumar Singh, J)

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