

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4956 of 2021

Arising Out of PS. Case No.-60 Year-2020 Thana- PASRAHA District- Khagaria

1. SUBODH YADAV S/O JAI PRAKASH YADAV RESIDENT OF VILLAGE - PIPARPANTI, P.S.- PASRAHA, DISTT.- KHAGARIA.
2. DILIP YADAV S/O JAI PRAKASH YADAV RESIDENT OF VILLAGE - PIPARPANTI, P.S.- PASRAHA, DISTRICT - KHAGARIA.
3. SHANKAR YADAV S/O JAI PRAKASH YADAV RESIDENT OF VILLAGE - PIPARPANTI, P.S.- PASRAHA, DISTRICT - KHAGARIA.
4. SANJEEV YADAV S/O UMESH YADAV RESIDENT OF VILLAGE - PIPARPANTI, P.S.- PASRAHA, DISTRICT - KHAGARIA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 06-08-2021 Heard Mr. Ranjeet Kumar Singh, learned Advocate for the petitioners and Mr. Md. Mushtaque Alam, learned APP for the State.

The application with respect to petitioners no. 1 and 4 Subodh Yadav and Sanjeev Yadav respectively is sought to be withdraw as they have been arrested.

The application with respect to petitioners no. 1 and 4 is dismissed as having become infructuous.

The petitioners no. 2 and 3 seek bail in anticipation of their arrest in connection with Pasraha P.S. Case No. 60 of 2020 dated 08.07.2020 instituted for the offences under Sections 341, 323, 447, 379,



307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

One Sunita Kumari has alleged that while she was in her house along with her father, six accused persons including petitioners no. 2 and 3 came and started abusing her father. He was also attempted to be dragged out of the house. When the informant came to the rescue of her father, she was also assaulted. Her family members also were assaulted by means of lathi, danda etc. Co-accused Subodh Yadav is said to have taken away the Mangal Sutra from her mother and one Jivo Kumar fired from his weapon but the target was not hit. The bullet hit the wall but because of the release of the gun powder, the informant claims to have been hurt in her palm.

Learned counsel for the petitioners no. 2 and 3 has submitted that so far as the accusation against them is concerned, it is general and omnibus and the offence of stealing and firing is attributed to two other accused persons and not the petitioners. The parties are agnates and because of the land dispute between them, this case has been filed. None of the offences, therefore, can at all be said to have been made out against the petitioners no. 2 and 3.

For the aforementioned reasons, the petitioners no.



2 and 3 (Dilip Yadav and Shankar Yadav respectively) are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Khagaria in connection with Pasraha P.S. Case No. 60 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The petition stands disposed off accordingly.

(Ashutosh Kumar, J)

krishna/-

U		T	
---	--	---	--

