

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10040 of 2021

Arising Out of PS. Case No.-50 Year-2020 Thana- SIKRAUL District- Buxar

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1. PRAMOD SINGH @PRAMAD YADAV SON OF LATE HARIHAR SINGH RESIDENT OF VILLAGE- GADIYA DERA (BARKA GAON), POLICE STATION- SIKRAUL, DISTRICT- BUXAR.
 2. MUNNA YADAV SON OF NAND BIHARI YADAV RESIDENT OF VILLAGE- GADIYA DERA (BARKA GAON), POLICE STATION- SIKRAUL, DISTRICT- BUXAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary No. 1, APP
For the Informant	:	Mr. Anil Kumar Roy, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 20-07-2021 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Sikraul P.S. Case No. 50 of 2020 registered under sections 302 and 120B of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the F.I.R., it is stated by the informant that her husband was regularly threatened by the accused persons who are the *Gotiyas* over dispute relating to land. It is stated that on the date of occurrence after the husband



of the informant left, Birendra Yadav gave information to some person. Soon thereafter Birendra and Munna followed. Subsequently, she heard about her husband being shot dead and raised suspicion of the hand of the four named accused persons including the petitioners herein.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case because of their being agnates of co-accused Vikram Yadav. False implication is because of admitted land dispute between the parties. In his so-called confessional statement recorded by the police in course of investigation Vikram Yadav has confessed being the assailant. Co-accused Asgar Ali who was stated to be with Vikram Yadav has been enlarged on bail vide order dated 22.3.2021 passed in Cr. Misc. No.4388 of 2021. The petitioners are in custody since 24.8.2020 and 5.9.2020 respectively and have no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant who submits that as a result of pending land dispute, the accused persons including the petitioners herein have regularly been threatening the deceased. Further material with respect to the CDR and mobile of the petitioner being used by Vikram Yadav



has transpired in paragraph nos.75, 76 and 77 of the case diary.
The petitioners were present at the time of the occurrence.

Having heard learned counsel for the parties and taking into consideration the period in custody together with grant of bail to co-accused Asgar Ali, the Court is inclined to enlarge the petitioners on bail. The petitioners are directed to be enlarged on bail in connection with Sikraul P.S. Case No. 50 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st, Buxar.

(Partha Sarthy, J)

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