

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10328 of 2022

Arising Out of PS. Case No.-49 Year-2020 Thana- MANSAHI District- Katihar

NIRANJAN YADAV Son of Late Ram Narayan Yadav Resident of Village -
Bishanpur, P.S.- Mansahi, Distt.- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Adv.
	:	Mr. Indrajeet Kumar, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar No.2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

The petitioner seeks bail in Sessions Trial No. 283/2021
arising out of Mansahi P.S. Case No. 49/2020 lodged under Sections
302, 120B, 34 the Indian Penal Code, 1860 and Section 27 of the
Arms Act.

As per allegation made in the FIR, on 07.06.2020 by the
informant alongwith his wife were going to field, the accused
persons named in the FIR surrounded his wife and took her away in
maize field. It has also been alleged that some of the accused persons
were chased the informant, in the meantime, the informant heard
firing sound, the informant has also seen fire-arm in the hand of co-
accused, namely, Lalu Yadav. It has further been stated in the FIR
that when the informant entered in the maize field they saw the dead
body of his wife stained with blood. The informant alleged in the FIR



that accused persons have caused conspiracy due to the reason that co-accused, namely, Lalu Yadav was continuously disturbing the informant's wife on her mobile and was putting pressure to do wrong act for which the informant side has opposed. He further alleged that in the FIR that prior to this present occurrence there was dispute taken place between the informant and Surja Yadav for grazing the goat in the field of informant and thereafter, Surja Yadav had threatened to kill her four days ago. It has also been stated in the FIR that there is land dispute is going on for one and half Bigha of land with the accused persons.

Learned counsel for the petitioner submits that the allegation made in the FIR are in two parts, in first part allegation is only on four persons in which name of the petitioner was not figured. He further alleged that in the second part of the FIR, the name of the petitioner was figured and the specific allegation upon the present petitioner is only chasing the informant. He further submits that the petitioner was neither committed any act nor overact. He further submits that none of the offences under which case has been instituted are made out against the present petitioner. He further submits that charge sheet has already been submitted in the case, case has been committed and the petitioner is in custody since 11.01.2021 and having no criminal antecedent. He further submits that co-accused on whom there are serious allegation than the present petitioner, namely, Suresh Yadav and Surja Yadav have been granted



bail by co-ordinate Bench of this Court vide order dated 26.07.2021 and 12.01.2022 passed in Cr. Misc. No. 15058/2021 and Cr. Misc. No. 43040/202 respectively.

The learned A.P.P. for the State opposes the prayer for bail and submits that allegation of Section 302 and Arms Act are on the petitioner and therefore, bail should be rejected.

In the facts and circumstances of the case that charge sheet has already been submitted, case has been committed, petitioner is in judicial custody since 11.01.2021, having clean antecedent and co-accused have been granted bail by this court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Katihar in connection with S.T. No.283/2021 arising out of Mansahi P.S. Case No. 49/2020, as condition laid down under Section 437 (3) of the Cr.P.C.

(Dr. Anshuman, J)

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