

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25924 of 2021

Arising Out of PS. Case No.-298 Year-2019 Thana- GOGRI District- Khagaria

1. MANOJ YADAV Son of Dharmvir Yadav Resident of Village- Goraiya Bathan, P.S.- Gogari, District- Kahgaria.
2. Gunjan Yadav Son of Dharmvir Yadav Resident of Village- Goraiya Bathan, P.S.- Gogari, District- Kahgaria.
3. Sourav Yadav Son of Manoj Yadav Resident of Village- Goraiya Bathan, P.S.- Gogari, District- Kahgaria.
4. Pradeep Yadav Son of Late Shankar Yadav Resident of Village- Goraiya Bathan, P.S.- Gogari, District- Kahgaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr. AAP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 24-01-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Gogari P.S. Case no. 298 of 2019 instituted for the offence



punishable under Sections 307, 429/34 of the Indian Penal Code and Section 27 of the Arms Act.

As per allegation in the FIR, while son of the informant was feeding his cattle, some accused persons including the petitioner surrounded him and co-accused Ajay Yadav shot firing upon him, which hit his left thigh. Second round firing was made by co-accused Arun Yadav, which hit the cow resulting into spot death of cow and third round firing was made by co-accused Bikram Yadav which hit Sourav Yadav. Thereafter, all the accused persons went to the house of Niwas Yadav and made indiscriminate firing.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely been implicated in this case. General and omnibus allegations have been levelled against them. Main allegation of firing is against co-accused Ajay Yadav, Arun Yadav and Bikram Yadav and not against the petitioners. They are simply the member of mob. There is case and counter between the parties. Both parties have received injury and there is admitted land disputed between them.

Learned APP appearing for the State has opposed the prayer of Bail.



Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Gogari P.S. Case no. 298 of 2019, they will be enlarged 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 Chief Judicial Magistrate, Khagaria subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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