

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20810 of 2022

Arising Out of PS. Case No.-248 Year-2021 Thana- MIRGANJ District- Gopalganj

Sarwan Kumar Yadav, Son Of Muneshwar Chaudhari, R/O Village- Kodara
Hata, P.S.- Mirganj, District- Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Natraj Verma, Adv.

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Uday
Chand Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Mirganj P.S. Case No.248 of 2021 registered

for the offences punishable under Sections 307, 323, 324, 325,

337, 338, 341, 504 and 506/34 of the Indian Penal Code and

Section 27 of the Arms Act. He is in custody since 29.01.2022.

The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per

the prosecution story, there was a quarrel between the petitioner

and informant's side. It is alleged that this petitioner and co-



accused Muneshwar Yadav assaulted Saheb Kumar who is the son of the informant. Learned counsel submits that there is a counter case lodged by the petitioner's side being Mirganj P.S. Case No.249 of 2021 in which a different story has been given. Both the sides are own *Pattidars* and as it appears the dispute has arisen on the issue of cultivating a piece of land which is a subject matter of title suit no.185 of 2021. It is lastly submitted that the co-accused Muneshwar Yadav and Nitesh Yadav have been granted bail by this Court in Cr.Misc.No.66254 of 2021. The case of the petitioner stands on similar footing with the co-accused Muneshwar Yadav.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner, but is unable to draw any distinction between the case of the petitioner and that of Muneshwar Yadav who has been granted privilege of bail.

Having noticed the submissions on behalf of the petitioners and the State as noted hereinabove and upon finding that the case of the petitioner is standing on similar footing with that of co-accused Muneshwar Yadav, he is in custody since 29.01.2022, investigation against him is complete and his presence may also be secured in course of trial, the dispute has arisen on account of a land dispute and both the parties have



lodged cases against each other, in the circumstances, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj in connection with Mirganj P.S. Case No.248 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

