

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22884 of 2022

Arising Out of PS. Case No.-47 Year-2021 Thana- BHEJA District- Madhubani

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1. Bhumi Yadav @ Bhuwaneshwar Yadav Son of Late Sukhdeo Yadav Resident of Village - Koriyadhath, P.S.- Bheja, District - Madhubani.
 2. Naresh Yadav @ Naresh Kumar Yadav Son of Kapildeo Yadav Resident of Village - Koriyadhath, P.S.- Bheja, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumari Shubham, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-05-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with Bheja P.S.
Case No. 47 of 2021 registered under Sections 341, 323, 324,
307, 302, 504, 506 and 34 of the Indian Penal Code read with
Section 27 of the Arms Act.

Learned counsel for the petitioners submits that the
petitioners are in custody since 07.01.2022, charge-sheet has
been submitted in the case, petitioner no. 1 has two antecedent
and petitioner no. 2 is a person with clean antecedent and the
informant alleges that on account of land dispute Mahesh
assaulted Sunil with iron rod on head causing injury, thereafter
petitioner no. 1 and Kishun gave orders to kill on which Suresh



fired at Lalan causing injury on stomach, thereafter Bal Kishore, Ramesh, Dilip and Yogendra started firing on account of which there was chaos, further Lalan died during the course of treatment.

The learned counsel submits that from perusal of allegation it would manifest that there is specific allegation of assault against Suresh who fired at Lalan causing injury on stomach and also against Mahesh of assaulting Sunil with an iron rod on head causing injury, it is submitted that as per as petitioner no. 1 is concerned, he is alleged to be an order giver along with Kishun and petitioner no. 2 is similarly situated like Shashi Roushan Yadav who has been granted bail by order dated 17.05.2022 in Criminal Misc. No. 71199 of 2021.

The learned counsel further submits that it absolutely does not stand to reason that if a person intends to kill he will wait for order for performing the act. It is further submitted that just to implicate the petitioners the informant alleges that it was the order of petitioner no. 1 and Kishun to kill on which Suresh fired at Lalan causing injury on stomach, further Lalan died during course of treatment.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.



Considering the fact that the petitioners are in custody since 07.01.2022, charge-sheet has been submitted in the case, petitioner no. 2 is a person with clean antecedent and co-accused has been granted bail and no specific overt act has been alleged against them and taking into consideration the submissions made by the learned counsel for the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bheja P.S. Case No. 47 of 2021.

(Satyavrat Verma, J)

ved/-

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