

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25029 of 2022

Arising Out of PS. Case No.-295 Year-2021 Thana- BABUBARHI District- Madhubani

1. PREETAM YADAV @ KAPIL YADAV @ PREETAM KUMAR AND ANR
SON OF RAM PRAKASH YADAV RESIDENT OF VILLAGE- BAGAUL,
P.S- BABUBARHI, DIST- MADHUBANI
2. RAM UDGAR YADAV SON OF LATE RAM RATAN YADAV RESIDENT
OF VILLAGE- BAGAUL, P.S- BABUBARHI, DIST- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash Mr. Gagandeo Yadav Mr. Vinod Kumar Mr. Udeshya Kumar Yadav
For the Opposite Party/s :		Mr. Binod Kumar Mr. Murari Narain Choudhary Mr. Vijay Kumar Mr. Aniket Kumar Mr. J. N. Thakur

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 14-10-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioners as well as
the learned counsel for the informant and also heard Mr. J. N.
Thakur, the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection
with Babubarhi P.S. Case No. 295 of 2021 registered for offence
punishable under sections 341, 323, 379, 452, 504/34 of the



Indian Penal Code and section 27 of the Arms Act.

There is allegation that the petitioners opened firing at the door of the informant and also took away Rs. 30,000/- from his house.

The learned counsel for the petitioners has submitted that there is land dispute between the parties and the petitioners have falsely been implicated. Though empty cartridges were recovered at the door of the informant, but none had sustained any kind of fire arm injury.

On the other hand, the learned APP as well as the learned counsel for the informant have opposed the prayer for bail and submitted that the petitioners have one criminal antecedent that is Babubarhi P.S. Case No. 141 of 2015. That case has been lodged under Sections 323, 354, 379, 307/34 of the Indian Penal Code.

The learned counsel for the petitioners has submitted that in that case, the petitioners have been granted bail. Though there is allegation that petitioners opened fire, but none has sustained any kind of injury.

Considering the above-mentioned facts and circumstances, the petitioners above-named, in the event of their arrest or surrender, within four weeks from today, are directed



to be released on bail on furnishing bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Madhubani in connection with Babubarhi P.S. Case No. 295 of 2021, subject to condition as laid down under section 438(2) Cr. P.C. If the petitioners are accused in any other case, except the case as mentioned in paragraph no. 3 as Babubarhi P.S. Case No. 141 of 2015, the learned court below shall be at liberty to cancel their bail bonds. The petitioners are directed to appear physically on each and every date before the court below, till framing of the charges. If the petitioners fail to appear physically on two consecutive dates, their bail bonds shall be liable to be cancelled.

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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