

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.39123 of 2021**

Arising Out of PS. Case No.-732 Year-2020 Thana- KHAGARIA District- Khagaria

1. RITIK ROUSHAN Son of Late Shankar Yadav Resident of Village- Badi Kothia, P.S.- Muffasil, District- Khagaria.
2. Rikesh Kumar Son of Late Shankar Yadav Resident of Village- Badi Kothia, P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      04-01-2022                      The matter has been taken up through virtual Court proceedings.

Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioners, who are in custody since 15.03.2021, seek regular bail in connection with Khagaria (Mufassil) P.S. Case No. 732 of 2020 registered for offences punishable under Sections 147, 148, 149, 341, 307, 427, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Prosecution case, in brief, is that accused persons armed with deadly weapon started firing indiscriminately on



Mantu Yadav. However, the bullet of Babu Ram Yadav hit the cow and the cow died on the spot.

Learned counsel appearing on behalf of the petitioners submits that the petitioners were only members of the crowd and there is no allegation of any overt act against them. He further submits that petitioners have clean antecedent and on the basis of false allegation they are under incarceration since 15.03.2021. There is no allegation of tampering with the evidence or influencing the witness against the petitioners.

Learned A.P.P., however, opposes the prayer for bail.

Considering the allegation made in the FIR that one Babu Ram Yadav used the firearm with an intention to kill Mantu Yadav, however, the bullet killed the cow and there is no allegation of overt act against the above named two petitioners, let the petitioners above named, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Mufassil) P.S. Case No. 732 of 2020, subject to the following conditions:-

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

**(Purnendu Singh, J)**

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