

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65575 of 2021

Arising Out of PS. Case No.-494 Year-2021 Thana- BANKA District- Banka

1. Rudo Maharana Son of Late Jyotish Maharana Resident of Village - Mirjapur, P.S.- Barhat, District - Banka
2. Sikandar Maharana @ Mikendra Yadav Son of Bishundo Maharana @ Bishundeo Yadav Resident of Village - Mirjapur, P.S.- Barhat, District - Banka
3. Renu Maharana @ Renu Yadav Son of Bishundo Maharana @ Bishundeo Yadav Resident of Village - Mirjapur, P.S.- Barhat, District - Banka
4. Guddu Maharana Son of Suttan Maharana @ Sutto Resident of Village - Mirjapur, P.S.- Barhat, District - Banka

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bharat Lal, Advocate
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-05-2022 Heard learned counsel for the petitioner, the State and the learned counsel for the informant in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The four petitioners are before this Court for grant of bail in connection with Banka (Barahat) P.S. Case No. 494 of 2021 for the offences under sections 147, 148, 149, 341, 323, 307, 302 and 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.



As per the FIR, the brother of the informant, namely Guddu Yadav (since deceased) used to drive the tractor of his paternal aunt. On the alleged date of occurrence, as he parked the tractor on a particular spot, it is alleged that the accused persons including the petitioners herein who were variously armed abused him and asked to immediately remove the tractor. Upon 'hulla' the informant and his other family members also reached the spot and when the deceased asked one of the accused persons Bishundeo Maharana to prove that the land belongs to him, only then he will remove the tractor, the accused persons resorted to firing.

As per the FIR, it has specifically been stated that Birbal Maharana opened fire that hit Guddu Yadav who succumbed to his injuries. Further allegation is that the accused Birendra Choudhary opened fire which hit the informant's labourer, Subodh Manjhi causing injury to him. Further allegation against Suttan @ Sutto Maharana is that he gave Rifle butt injury on the head of the Atal Bihari Yadav.

So far as the four petitioners are concerned, an omnibus allegation against them is that they too resorted to firing.

Learned counsel for the petitioners submits that



while the petitioner no. 1 is in custody since 26.6.2021, other three petitioners surrendered on 6.8.2021 and are in jail since then. He further submits that all the accused persons against whom specific allegations have been levelled are in jail.

Considering the aforesaid facts that specific allegations are against Birbal Maharana, Birendra Choudhary, Suttan @ Sutto Maharana and further that an omnibus allegation have been made against other accused persons including the petitioners herein as also the fact that they (the petitioner nos. 2 to 4) are in jail since 6.8.2021 while the petitioner no.1 is in custody since 26.6.2021 and charge-sheet has already been submitted in the matter; this Court is inclined to grant privilege of bail to the four petitioners but with certain conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Banka, in connection with Banka (Barahat) P.S. Case No. 494 of 2021 subject to the following conditions:-

(i) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;



(ii) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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