

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66254 of 2021

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

1. Muneshwar Yadav, son of Late Bhola Choudhary
2. Nitesh Yadav, son of Sheodhary Choudhary
Resident of Village - Kodarahata, P.S. Mirganj, District - Gopalganj.
... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Naresh Prasad, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-05-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, 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 Section 341, 323, 324, 325, 307, 337, 338, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act. They are in custody since 26.07.2021 having one criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has



alleged that while he was cultivating his land for planting paddy, in the meantime, accused persons came with country made pistol and fired upon him but anyhow he could save himself. The son of the informant came to save him then he was also assaulted by Muneshwar Yadav and Sarvan Kumar Yadav by means of lathi and danda on his head as a result of which the son of the informant received injury on nose and head. On hulla, when his brother Vijay Mal Yadav came there he was also assaulted by Sheodhari Choudhary by Gadasi and Nitesh Yadav cut the leg of Vijay Mal Yadav. Thereafter all the accused persons assaulted the informant's side.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case. Learned counsel submits that there is case and counter case between the parties.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that so far as petitioner no. 1 is concerned, he is said to have assaulted Saheb Kumar Yadav together with the co-accused Sravan



Kumar but the allegation are general and omnibus, Saheb Kumar Yadav has received four injuries which are simple in nature except injury no.1 which is lacerated wound over the nose, the petitioner no. 2 is said to have cut the leg of Vijay Mal Yadav by spade but injury report of Vijay Mal Yadav shows only one injury on his head caused by hard and blunt substance which is not attributed to petitioner no.2, there is case and counter case between the parties with regard to the alleged occurrence and both the parties are contesting a title suit in the court of learned Sub-Judge-1, Gopalganj as also that the petitioners are in custody since 26.07.2021, investigation against them is complete and their presence may be secured in course of trial, this Court directs release of the petitioners above-named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 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 petitioners and in case



at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.)

Rajeev/-

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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'.

