

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66226 of 2021**

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

1. Bishnu Dev Yadav @ Bishnu Dev Maharana, Son of Late Chamaklall Yadav
 2. Suttan Maharana @ Sutto Son of Late Chamaklall Yadav.
Both Resident of Village- Mirjapur, P.S.- Barahat, District- Banka.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bharat Lal, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 11-05-2022 Heard learned counsel for the petitioner, the State and the
learned counsel for the informant.

Let the defect(s), if any, be removed within four weeks.

The two 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.

It has then been alleged that petitioner no.1 gave order on which 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 this petitioner is that he gave Rifle butt injury on the head of the Atal Bihari Yadav.

Learned counsel for the petitioners submit that both the petitioners are in jail since 30.06.2021.

So far the case of petitioner no.1 is concerned, allegation against him is that of an order giver, he is in jail since 30.06.2021 and charge-sheet has already been submitted, this Court is inclined to grant him privilege of bail.

In the case of petitioner no.2, specific allegation against him has been levelled that he gave blow from the rifle butt on the head of Atal Bihari Yadav, causing injury to him.

Considering the aforesaid fact that allegation has been levelled against him of hitting one of the victim person on his head, this Court is not inclined to grant any relief to him and the bail application of petitioner no.2 is hereby rejected.

Let the petitioner no.1, namely, Bishnu Dev Yadav @ Bishnu Dev Maharana be released on bail on furnishing bail bond of



Rs.10,000/-(ten thousand) with two sureties of the like amount each in connection with Banka (Barahat) P.S. Case No. 494 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Banka, subject to following conditions:

(i) the petitioner 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 cancellation of his bail by the Trial court itself;

(ii) the petitioner 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.

While the bail application of petitioner no.2, namely, Suttan Maharana @ Sutto is rejected; so far as the petitioner no.1, namely, Bishnu Dev Yadav @ Bishnu Dev Maharana is concerned, his bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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