

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68804 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- NAUHATTA District- Saharsa

1. Niranjana Yadav, S/o- Jaleshwar Yadav, Resident of Village- Narayanpur, P.S.- Nauhatta (Darhar O.P.), District- Saharsa.
2. Naresh Yadav, S/o- Jaleshwar Yadav, Resident of Village- Narayanpur, P.S.- Nauhatta (Darhar O.P.), District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Nauhatta (Darhar O.P) P.S. Case No. 94 of 2020 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504, 506 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case is that in the background of land dispute, the petitioners and other co-accused persons assaulted



the family members of the informant causing injuries to them. The allegation against the petitioners is that they fired from the rifles and caused injuries to brothers of the informant.

Learned counsel for the petitioners submits that land dispute is admitted in the FIR itself and father of the petitioners has filed Nauhatta P.S case No. 97 of 2020 for the same occurrence for offences under Sections 147, 148, 149, 341, 323, 324, 325, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act. On examination, the injuries of all injured have been found to be simple in nature. Due to this previous enmity, the petitioners have been made accused in other cases of similar nature and they are on bail in those cases. The learned counsel further submits that the injuries caused by the petitioners have been found to be simple and are not on vital parts and cannot be said to be threatening to life. It is further not believable that 25 persons assaulted the family members of the informant and only simple injuries have been caused. The learned counsel further submits that the other co-accused persons have been granted bail by a Coordinate Bench of this Court vide order dated 02.02.2022 passed in Cr. Misc. No. 68821 of 2021. Except these two petitioners and those who have been granted bail by the Co-ordinate Bench, the police did not



find anything against other co-accused persons and submitted final form in their case and did not send them to face trial. The learned counsel further submits that charge sheet has been submitted and the petitioners are in custody since 01.10.2021.

Learned APP opposes the prayer for bail submitting that the petitioners fired upon the brothers of the informant and they received injuries and their injury reports are on record.

Perused the records.

Having regard to the rival submissions made hereinabove and considering the fact that admittedly there is land dispute as well as considering the nature of injuries and also the counter case of the petitioners and further considering the fact that the charge-sheet has been submitted in this case and the petitioner is in custody since 01.10.2021, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class Saharsa, in connection with Nauhatta (Darhar O.P) Case No. 94 of 2020, subject to the following conditions :

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not



already framed.

(ii) One of the bailors will be a close relative of the petitioners.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

The learned trial court is directed to expedite the process and frame the charge at the earliest.

Balmukund/-
Shweta/-

(Arun Kumar Jha, J)

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