

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72344 of 2021

Arising Out of PS. Case No.-340 Year-2020 Thana- BANKA District- Banka

1. SHYAM YADAV Son of Raghu Yadav @ Ragghu Yadav Resident of Village - Majlishpur, P.S. and Distt.- Banka.
2. Chhotu Yadav @ Chhotu Kumar Yadav Son of Chabhuki Yadav Resident of Village - Majlishpur, P.S. and Distt.- Banka.
3. Vishwakarma Yadav @ Bishkarma Yadav Son of Shiv Narayan Yadav Resident of Village - Majlishpur, P.S. and Distt.- Banka.
4. Ajay Kumar Yadav Son of Nourangi Yadav Resident of Village - Majlishpur, P.S. and Distt.- Banka.
5. Sanni Kumar Yadav Son of Sundar Yadav Resident of Village - Majlishpur, P.S. and Distt.- Banka.
6. Lalu Yadav Son of Ashok Yadav Resident of Village - Majlishpur, P.S. and Distt.- Banka.
7. Jarindra Yadav @ Jahindra @ Surendra Yadav Son of Chunchun Yadav Resident of Village - Majlishpur, P.S. and Distt.- Banka.
8. Bibhash Yadav Son of Ashok Yadav Resident of Village - Majlishpur, P.S. and Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-08-2022 Vide order dated 25.07.2022, this application as against petitioner nos.1, 5, 6 and 7 was dismissed as withdrawn.

Therefore, today, it is being heard with regard to petitioner nos.2, 3, 4 and 8.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.



Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 307, 504 of the IPC, sections 3/4 of Explosive Substance Act and section 27 of the Arms Act.

Allegedly, the FIR named accused persons including the petitioners have assaulted the informant and his co-villagers by throwing stones and bricks. It is also alleged that the petitioners fired gunshot and hurled bombs upon the informant's side.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that no incriminating article has been recovered from the possession of the petitioners or from the spot. It is further submitted that a free fight has taken place between two village groups and in the said occurrence, nobody has sustained grievous injury. Petitioners



have no criminal antecedent.

Learned APP for the State opposed the prayer for bail but has fairly submitted that no explosive substance was recovered from the spot.

Having regard to the facts and circumstances of the case, let the above named petitioner nos.2, 3, 4 and 8, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Banka P.S. Case No.340 of 2020 (G.R. No.1271 of 2020), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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