

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72422 of 2021

Arising Out of PS. Case No.-398 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Nagendra Yadav Son of Late Ramayan Singh Resident of Village- Pora, P.S.- Chenari, District- Rohtas at Sasaram
2. Arvind Yadav Son of Kamta Yadav @ Kamta Singh Resident of Village- Pipari, P.S.- Shivsagar, District- Rohtas at Sasaram

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Raghunandan Kumar Singh, Advocate
For the State	:	Md. Mustaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 03-03-2022 The applicants/accused in Crime No. 398 of 2021 registered with Mohania Police Station for the offences punishable under sections 147, 148, 149, 341, 323, 307, 379, and 504 of the Indian Penal Code read with Section 25(1-b)a/27 of the Arms Act, by this application are seeking their release on bail during the pendency of the trial.

The application is heard out of turn on account of death of grand-father of the petitioner no.1.

Heard both sides.

The learned APP opposes the application by contending that the offence alleged against the applicants is serious in nature.



I have considered the submission so advanced and also perused the material placed before me.

According to the prosecution case, when first informant, Manish Kumar was sitting at his hotel along with his father Shivdhar Yadav and his brother, accused persons including the present applicants came by a four wheeler vehicle and indulged in armed dacoity with the aid of fire-arms. It is averred that Visheshwar Yadav- brother of the informant Manish Kumar is injured in the incident so also the first informant and his father sustained injuries.

It is apposite to note that first informant Manish Kumar has not mentioned his relationship with the accused persons in his FIR. It is not mentioned as to why the incident in question wherein it is alleged that an amount of Rs. 10,000/- came to be looted by the accused persons had happened. Interestingly, from the counter FIR lodged by the relatives of the accused persons makes the position clear. The first informant Manish Kumar married Rangeeta Devi who happens to be sister of main accused Ravi Yadav. The counter FIR is lodged by Jagropan Yadav who happens to be father of Rangeeta Devi and brother of main accused Ravi Yadav. From this counter FIR it becomes clear that on receipt of the information that first



informant Mannish Kumar had driven his wife Rangeeta Devi out of the house after assaulting her, Jagropan, main accused Ravi Yadav and other relatives of the Rangeeta Devi went to the house of Manish Kumar and then they approached Manish Kumar and his relatives at the hotel where it is averred in the counter case that Manish Kumar had indulged in firing on one of the accused in this case.

It is thus seen that the offence took place out of matrimonial disputes between first informant Manish Kumar and his wife Rangeeta Devi who happens to be sister of the main accused Ravi Yadav. Injuries suffered by Manish Kumar and his relatives seems to be simple in nature and the offence has not travelled beyond the one under section 307 of the Indian Penal Code. The investigation of the subject crime in question seems to be over, therefore, there is no propriety of further pre-detention of the applicant who are having clean antecedents, hence, the order.

I The application is allowed.

II. The applicant/accused in Crime No. 398 of 2021 registered with Mohania Police Station is directed to be released on bail on executing P.R. Bond of Rs. 10,000/- (Ten Thousand) each on furnishing sureties of the like amount to the satisfaction



of the trial court with the following conditions:-

(I) The applicants/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicants/accused should cooperate the trial in expeditious disposal of the trial against him.

(III) The applicants/accused should not contact the membes of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicants should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicants to remove all office objections forthwith and the Registry to issue certified copy of this order only after removal of office objections by the applicants/accused.

(A. M. Badar, J)

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