

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17283 of 2023

Arising Out of PS. Case No.-821 Year-2021 Thana- KHAGARIA District- Khagaria

1. Gaurav Yadav @ Gaurav Kumar, Son of Horil Yadav, R/V- Kumarchakki , Ward no. 3, P.S- Muffasil, Dist- Khagaria
2. Saurav Yadav @ Saurabh Kumar @ Saurabh Yadav, Son of Horil Yadav, R/V- Kumarchakki, Ward no. 3, P.S- Muffasil, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners have prayed for regular bail in a case registered for the offence punishable under Sections 341, 307, 504/34 and 302 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case, in brief, is that while the informant was at home with family members, the petitioners along with other accused persons, variously armed, came and forcibly started digging a pit on the informant's land and started to put sharp fence wire over there. Upon objection raised by the informant and his son,



the accused persons started firing indiscriminately with their pistols. The co-accused, namely, Manish Yadav chased and shot fire upon the informant's son, namely, Vikash Yadav due to which he sustained gun shot injuries and died during the course of treatment.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case due to land dispute. They have got no criminal antecedent. As per F.I.R., the specific allegation of firing against other co-accused namely Manish Yadav. The petitioners have been made accused in this case because they are brother of Manish Yadav. Moreover, the petitioners are languishing in judicial custody since 12.12.2022.

Learned APP appearing for the state, learned counsel for the informant have opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody of the petitioners, this court is inclined to enlarge the petitioners on bail. The above named



petitioners are directed to be released on bail in connection with Khagaria (Muffasil) P.S. Case No. 821 of 2021 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria.

(Sunil Kumar Panwar, J)

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