

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17174 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

1. HARIHAR YADAV Son of Late Anup Yadav R/V- Tilleshwar P.S- Kusheshwar Asthan O.P Tilleshwar Dist- Darbhanga
2. Jagdambi Yadav Son of Late Badri Yadav R/V- Tilleshwar P.S- Kusheshwar Asthan O.P Tilleshwar Dist- Darbhanga
3. Kanti Mukhiya @ Kranti Mukhiya Son of Hare Ram Mukhiya R/V- Tilleshwar P.S- Kusheshwar Asthan O.P Tilleshwar Dist- Darbhanga
4. Santosh Yadav Son of Harihar Yadav R/V- Tilleshwar P.S- Kusheshwar Asthan O.P Tilleshwar Dist- Darbhanga
5. Shyam Yadav Son of Harihar Yadav R/V- Tilleshwar P.S- Kusheshwar Asthan O.P Tilleshwar Dist- Darbhanga
6. Shiv Narayan Yadav Son of Harihar Yadav R/V- Tilleshwar P.S- Kusheshwar Asthan O.P Tilleshwar Dist- Darbhanga
7. Baidhnath Mukhiya @ Baijnath Mukhiya Son of Bulak Mukhiya @ Bilak Mukhiya R/V- Tilleshwar P.S- Kusheshwar Asthan O.P Tilleshwar Dist- Darbhanga
8. Pramod Mukhiya Son of Shri Kant Mukhiya R/V- Tilleshwar P.S- Kusheshwar Asthan O.P Tilleshwar Dist- Darbhanga
9. Jhabar Chaudhary Son of Nago Chaudhary @ nageshwar Chaudhary R/V- Tilleshwar P.S- Kusheshwar Asthan O.P Tilleshwar Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-05-2023 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Kusheshwar Asthan (Tilleshwar O.P.) Police
Station Case No. 185 of 2022 dated 25.05.2022, disclosing
offences under Sections 341/323/379/307/504/506/34 of the
Indian Penal Code and Section 27 of the Arms Act.



The prosecution case, on the basis of the First Information Report, is that on 20.05.2022, while the informant was going towards her khalihan along with her daughter, in the meanwhile, the petitioners along with others armed with pistol, rifle arrived there and fired in the air with an attempt to loot the maize crops. It has further been alleged that on order being given by the co-accused Kirandev Mukhiya, the co-accused Ramdarash Yadav fired upon the daughter of the informant due to which she sustained firearm injury near her right chest.

Learned counsel for the petitioners submits that there is a long standing dispute between the parties and earlier Kusheshwar Asthan Police Case No. 75 of 2022 under Section 307 of the Indian Penal Code was lodged against the husband of the informant by the nephew of petitioner no. 8 and another First Information Report bearing Kusheshwar Asthan Police Station Case No. 103 of 2021 was also filed by the petitioner no. 4 against the husband of the informant. Learned counsel further submits that allegation against the petitioners is general and omnibus in nature and specific allegation of firing upon the daughter of the informant is against co-accused Ramdarash Yadav. The co-accused Kirandev Mukhiya, whose is an order giver, has been granted bail by a Co-ordinate Bench of this Court in Criminal Miscellaneous No. 14441 of 2023 dated 19.05.2023.



Regards being had to the submissions made on behalf of the parties and taking into consideration the long standing previous dispute between the parties, the generality of the allegation made against the petitioners and the fact that the allegation of firing upon the daughter of the informant is upon another co-accused Ramdarash Yadav and not against the petitioners, accordingly, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Magistrate, Darbhanga, in connection with Kusheshwar Asthan (Tilkeshwar O.P.) Police Station Case No. 185 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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