

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21487 of 2023

Arising Out of PS. Case No.-1234 Year-2022 Thana- KHAGARIA District- Khagaria

1. Mritunjay Yadav S/O Late Ganesh Yadav R/O Village- Kumarchakki, P.S- Muffasil, Distt.- Khagaria.
2. Shivnandan Yadav S/O Late Akal Yadav R/O Village- Kumarchakki, P.S- Muffasil, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Khagaria Muffasil P.S. Case No. 1234 of 2022 registered on 20.11.2022 for the alleged offences under Sections 147, 148, 149, 447, 427, 307, 504, 506, 385 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioners and other FIR named co-accused persons after forming an unlawful assembly and armed with firearms came to the land of the informant and started ploughing it with two tractors. When it was opposed by the informant, they hurled abuses and started assaulting the



informant and his family members. The assailants opened fire and the nephews of the informant received injuries in their thigh and palm respectively. The assailants also demanded Rs.Five lakhs as extortion from the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Altogether 18 persons have been named in the FIR including these two petitioners and there is only general and omnibus allegation against the petitioners and other co-accused persons except Ranbir Yadav and Bilo Yadav, who opened fire on the nephews of the informant. There is no specific allegation of either firing or assaulting the informant or his family members against the petitioners. Learned counsel further submits that there is a government land situated in front of the house of the petitioners for which there is dispute between the parties and a counter case vide Khagaria Muffasil P.S. Case No. 1260 of 2022 under Section 307 and other allied sections of the IPC has been lodged by co-accused Ajay Yadav @ Bilo Yadav against the informant of this case and others. Moreover, the injured have received simple and grievous injuries but the same are stated to be caused by hard and blunt substance, which falsifies the prosecution case. The petitioners were not present at



the spot and petitioner no. 2 is aged 70 years. The petitioners are in custody since 26.12.2022 and charge sheet has been submitted. The petitioners are having no criminal antecedent.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no specific overt act has been attributed to the petitioners and further considering the period of custody of the petitioners and submission of charge-sheet, 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 Chief Judicial Magistrate, Khagaria/concerned court in connection with Khagaria Muffasil P.S. Case No. 1234 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) 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.

(Arun Kumar Jha, J)

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