

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34359 of 2022

Arising Out of PS. Case No.-156 Year-2020 Thana- PRATAPGANJ District- Supaul

PAPPU YADAV @ PAPPU KUMAR @ PAPPU KUMAR YADAV SON OF
RAJENDRA YADAV R/O VILLAGE- TENGRAHA, P.S.- KISHANPUR,
DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27787 of 2022

Arising Out of PS. Case No.-156 Year-2020 Thana- PRATAPGANJ District- Supaul

MANU MEHTA Son of Ramu Mehta @ Krishana Kumar Mehta Resident of
village - Tengraha, P.S.- Kishanpur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34359 of 2022)

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Ms. Dr. Indihar Kumari

(In CRIMINAL MISCELLANEOUS No. 27787 of 2022)

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-02-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Pratapganj P.S. Case No. 156 of 2020, registered for the
offences punishable under Sections 447, 341, 323, 307,



504, 506, 34 and 120(b) of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as emerging from the FIR is that on 03.12.2020 at about 01:00 P.M. when the informant and her family members prevented the petitioners to plough the land, the petitioners and their associates opened fire due to which informant, her son and her sister-in-law sustained bullet injuries.

Ld. counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that the allegation of causing injury is general and omnibus in nature. They also submit that there is no specific allegation that any particular accused had caused injury. However, at the end of FIR, the informant has claimed that she identified present petitioners, Mannu Mehta and Pappu Yadav. However, there is no allegation that it is these persons who had fired at the alleged victim. They also submit that investigation in this case is complete and charge-sheet has already been submitted and charge has not been framed till date.



They further submit that the petitioners, namely, Pappu Yadav and Manu Mehta have been languishing in jail since 12.02.2022 and 04.10.2021 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner, namely, Manu Mehta has earlier been made accused in two other cases whereas petitioner, namely, Pappu Yadav has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. concerned Trial Court in connection with Pratapganj P.S. Case No. 156 of 2020, **after framing of charge, if not**



already framed, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court



below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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