

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37646 of 2023

Arising Out of PS. Case No.-75 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Tuntun Yadav @ Tuna Yadav, Son of Late Phido Yadav, Resident of Village-
Tilkeshwar, P.S.-K.Sthan @ Kusheshwar Sthan Tilkeshwar O.P., District-
Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Nagendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with K. Sthan @ Kusheshwar Sthan P.S. (Tilkeshwar O.P.) Case
No.75 of 2022 registered for the offences punishable under
Sections 147, 148, 341, 323, 307, 379, 354, 504, 506, 109 of the
Indian Penal Code and Section 27 of the Arms Act.

3. It is alleged that while the informant was sitting at
the shop of his uncle, in the meantime, all the FIR named
accused persons including the petitioner variously armed came
there and started abusing. Co-accused Shankar Yadav threatened
the uncle of the informant with dire consequences. On protest



being made at the exhortation of Shankar Yadav, Khalad Yadav inflicted farsa blow over the neck of the informant. Whereafter, Hareram Mukhiya also assaulted the wife of the informant and other co-accused persons also misbehaved with her. It is specifically alleged that this petitioner took away cash of Rs.25,000/- from the cash drawer. Further allegation has been levelled against other co-accused persons of assault and loot.

4. Learned counsel appearing on behalf of the petitioner submits that from the narration of the FIR, it appears that only in order to implicate the name of all the accused persons, specific overt act has been assigned, however, no such occurrence has taken place and only on account of petty dispute, a scuffle took place between some of the co-accused persons and the informant and his family members, due to which the informant unfortunately sustained injuries. He next submits that even as per the FIR there is no ingredient suffice to constitute an offence much less under Section 307 of the Indian Penal Code against the petitioner and so far taking away of Rs.25,000/- from the cash drawer is concerned, the same is a super addition. He next submits that the petitioner had earlier also been implicated in one another case by the family members of the informant, however, he is on police bail in the said case.



5. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the complicity of the petitioner is writ large from the FIR and he actively participated in the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and his undertaking that he will not indulge in such type of crime in future, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Biraul, Dharbhanga, in connection with K. Sthan @ Kusheshwar Sthan P.S. (Tilkeshwr O.P.) Case No.75 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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