

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32252 of 2023

Arising Out of PS. Case No.-15 Year-2023 Thana- KORMA District- Sheikhpura

PANKAJ KUMAR @ PANKAJ YADAV SON OF SRI RAM PRAVESH
YADAV Resident of village- Puraina, P.S- Korma, District- Sheikhpura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-06-2023 Heard the parties.

The petitioner is in custody since 10.2.2023 in connection with Korma P.S. Case No. 15 of 2023 for the offence punishable under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 302, 120(B) of the I.P.C. and section 27 of the Arms Act lodged on 28.1.2023 by the informant Bilas Yadav.

The prosecution story, in brief, is that the informant Bilas Yadav has alleged that on 28.1.2023 while he along with his brother was returning from the field and reached near the house of Rudal Yadav, he saw that the accuseds Devan Yadav, Rajnandan Yadav, Sakaldeo Yadav, Rabish Kumar, Pashupati Yadav, Sarjan Yadav and Pankaj Yadav surrounded them and Pashupati Yadav ordered to kill both the brothers upon which, Devan Yadav, Rajnandan Yadav, Sakaldeo



Yadav fired from rifle, gun and pistol which hit the neck and chest of Adalat Yadav, he fell down there. Thereafter, Sarjan Yadav on the order of Ravish, opened fire which hit the chest of the informant. Similarly, Pankaj Yadav also fired but the bullet passed over the head of the informant.

It has been contended by the learned Senior Counsel that specific allegation is against Devan Yadav, Rajnandan Yadav and Sakaldeo Yadav as also Ravish Kumar of opening fire at the instance of Pashupati Yadav.

So far as this petitioner is concerned, the omnibus allegation is that he along with other accused persons surrounded the informant side and further allegation against him is of opening fire which crossed over the head of the informant.

It is his further submission that they are agnates and due to land dispute, the alleged occurrence took place and there is counter version to the same also vide Corma P.S. Case No. 16 of 2023 dated 28.1.2023 in which, the accused side has also suffered fatal injuries inasmuch as two persons died.

Learned APP submits that the petitioner being part of unlawful assembly and further he also opened fire, cannot exonerate himself from the list of the alleged assaulters.

Considering the aforesaid rival submissions as



also that the case and counter case are there, the specific allegation is against Devan Yadav, Rajnandan Yadav and Sakaldo Yadav as also Rabish Kumar, he has remained in custody since 10.2.2023 (as stated in para-13 of the bail application), This Court is inclined to extend him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheikhpura, in connection with Korma P.S. Case No. 15 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

