

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37159 of 2023

Arising Out of PS. Case No.-21 Year-2023 Thana- BIHIA District- Bhojpur

1. MANJEE SINGH @ MANJEE YADAV Son of Late Makuna Yadav Resident of village - Mahuaw, Tulsi Ke Dera, Post - Mahuaon, P.S. - Bihiya, Distt. - Bhojpur
2. Bhim Singh @ Bhim Yadav Son of Late Makuna Yadav Resident of village - Mahuaw, Tulsi Ke Dera, Post - Mahuaon, P.S. - Bihiya, Distt. - Bhojpur
3. Nandjee Yadav @ Nadjee Singh @ Nadjee Yadav Son of Late Makuna Yadav Resident of village - Mahuaw, Tulsi Ke Dera, Post - Mahuaon, P.S. - Bihiya, Distt. - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashutosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP
For the Informant/s	:	Mr. Raju Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-07-2023 Heard learned counsel appearing on behalf of the

petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Bihiya
P.S. Case No. 21 of 2023 registered for the offence under
Sections 147, 148, 341, 323 and 307 of the Indian Penal Code
and under Section 27 of the Arms Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 26.01.2023.



The allegation against the petitioners is to assault informant and others during the course of occurrence by causing firearm injury and also by means of weapons and pelting stones, where occurrence arises out of previous enmities/land disputes.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature, where both parties received injuries and for the same set of occurrence, a counter case was lodged by petitioner's side, which has been registered as Bihiya P.S. Case No. 22 of 2023. It is submitted that the allegation of firing is not available against these petitioners. It is further submitted that the allegation against these petitioners is very much general and omnibus without specifying any overt act and considering these aspect similarly situated co-accused person, namely, Lalan Yadav has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 34622 of 2023 vide order dated 24.06.2023. While concluding the argument, it has been submitted that petitioners are of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, duly assisted by learned counsel, Mr.



Raju Kumar Singh appearing on behalf of the informant while opposing the prayer of bail submitted that allegation of firing is not available against above named petitioners.

Considering the facts and circumstances as mentioned above, as allegation of firing is not available specific against these petitioners, who are of clean antecedent coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 26.01.2023, accordingly, all above named petitioners are directed to be released on bail in connection with Bihiya P.S. Case No. 21 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Bhojpur at Ara/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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