

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39986 of 2023

Arising Out of PS. Case No.-478 Year-2022 Thana- WARISLIGANJ District- Nawada

1. SUJEET KUMAR SON OF NARESH YADAV RESIDENT OF VILLAGE-FATHA, PS- WARISALIGANJ, DISTRICT- NAWADA
2. MANJIT KUMAR SON OF NARESH YADAV RESIDENT OF VILLAGE-FATHA, PS- WARISALIGANJ, DISTRICT- NAWADA
3. NARESH YADAV SON OF BALESHWAR YADAV RESIDENT OF VILLAGE- FATHA, PS- WARISALIGANJ, DISTRICT- NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 323, 341, 504 and 34 of the Indian Penal Code and 27 of the Arms Act.

3. Prosecution case, in short, is that on 21.08.2022 at 08:00 A.M., all the accused persons including these petitioners came at the house of the informant and started abusing him. On protest, they damaged the drain constructed at the door of his house. They also pelted bricks and stones on the informant's house. It is further alleged that petitioner no.1 is said to have



opened fire in the air.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Both the parties are agnates. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is admitted land dispute between the parties. There is inordinate and abnormal delay of 8 days in filing the FIR without assigning any plausible and convincing reason for the said delay. From bare perusal of the impugned order, it is evident that there is no independent witness in the present case, who supported the allegation of firing levelled against petitioner no.1. Petitioner no.1 has one criminal antecedent, petitioner no.2 has two criminal antecedents and petitioner no.3 has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a



period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Warisaliganj P.S. Case No. 478 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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