

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40734 of 2023

Arising Out of PS. Case No.-1327 Year-2022 Thana- KHAGARIA District- Khagaria

1. Chandeshwari Yadav son of Late Kamli Yadav Village- Madhua Ps- Muffasil Dist- Khagaria
2. Dhruv Kumar son of Shri Chandeshwari Yadav Village- Madhua Ps- Muffasil Dist- Khagaria
3. Ramashish Yadav son of Late Anandi Yadav Village- Madhua Ps- Muffasil Dist- Khagaria
4. Bipin Yadav son of late Shivchandra Yadav Village- Madhua Ps- Muffasil Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ranjeet Kumar Singh, Advocate
For the Informant	:	Mr. Shambhu Sharan Singh, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 19-07-2023 Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioners and learned A.P.P for the State.

The petitioners have preferred this application for grant of regular bail in connection with Khagaria (Muffasil) P.S. Case No. 1327 of 2022, G.R. No. 3654 of 2022 dated 15.12.2022 registered for the offences punishable u/ss 147, 148, 149, 447, 323, 307 and 506 of the Indian Penal Code and



section 27 of the Arms Act.

As per the prosecution case, the petitioners and the co-accused persons armed with pistol came at the pond of the informant and started forcibly irrigating their lands from the pond of the informant by the pump set. When the informant's son opposed, the co-accused Dhiraj Kumar fired which hit his ribs. The co-accused persons assaulted one Ramnaresh Kumar with the butt of the pistol on his head causing injury. The other co-accused assaulted one Chhotu Kumar on his head causing injury. The petitioners Bipin Yadav and Dhruv Yadav and the other co-accused persons also assaulted one Ranvir with the butt of the rifle causing injury due to which he became unconscious. On *halla* all the accused persons fled away.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The specific allegation of firing on the informant's son is against the co-accused person. There is land dispute between the parties. The petitioner no. 1 has got four other criminal cases, the petitioner no. 2 has got two other criminal cases, the petitioner no. 3 has got three other criminal cases and the petitioner no. 4 has got four other criminal cases as stated in para 3 of the bail petition. The petitioner no. 1 and 2 are in



custody since 22.03.2023 and the petitioner no. 3 and 4 are in custody since 17.03.2023.

Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners above-named, are directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 1327 of 2022, G.R. No. 3654 of 2022, with the condition/s:-

1. The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to cancelled.

2. The court below shall verify the criminal antecedent of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of



the above-mentioned order shall not be delayed for purpose of
or in the name of verification.

The application stands allowed.

(Chandra Prakash Singh, J)

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