

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48580 of 2022

Arising Out of PS. Case No.-802 Year-2021 Thana- KHAGARIA District- Khagaria

1. MANOJ THAKUR Son of Late Rohini Thakur Resident of Village - Labhgaon, P.S.- Khagaria (Gangaur), District - Khagaria.
2. Mahesh Thakur Son of Late Lukho Thakur Resident of Village - Labhgaon, P.S.- Khagaria (Gangaur), District - Khagaria.
3. Umesh Thakur Son of Late Lukho Thakur Resident of Village - Labhgaon, P.S.- Khagaria (Gangaur), District - Khagaria.
4. Pramod Yadav Son of Basudev Yadav Resident of Village - Govindpur, Police Station - Sahebpur Kamal, District - Begusarai.
5. Niraj Yadav Son of Rajendra Yadav Resident of Village - Govindpur, Police Station - Sahebpur Kamal, District - Begusarai.
6. Rajesh Yadav Son of Suresh Yadav Resident of Village - Govindpur, Police Station - Sahebpur Kamal, District - Begusarai.
7. Ranbir Yadav Son of Tarni Yadav Resident of Village - Khar Diyara, Police Station - Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.
For the Opposite Party/s: Mr.Zainul Abedin, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 09-01-2023 Heard the parties.

The defect no.9 as pointed out by the office, is ignored and learned counsel for the petitioners is directed to remove rest defects within two weeks.

Learned counsel for the petitioners seeks permission to withdraw this application on behalf of petitioner no.2 submitting that during pendency of this application the petitioner no.2



has already been apprehended by the police.

Permission is granted.

Accordingly, this application is dismissed as withdrawn.

Now this application is being heard with regard to petitioner nos. 1, 3, 4, 5, 6 & 7.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 147, 436, 148, 149, 307, 379 of the Indian Penal Code and 27 of the Arms Act.

The prosecution story is that when the informant with his family members were sitting at his Basa, all the petitioners came there armed with country made pistol and fired 15-16 rounds at them with intention to kill them. Due to which, the informant and his family members hidden in the house. Then accused persons set fire in the house and fled away from the spot.

It is submitted by learned counsel for the petitioners that petitioner are quite innocent persons and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence as alleged ever took place. The entire prosecution story is false, fabricated and concocted. The informant had lodged so many cases against the petitioners due to land dispute. There is no fire arm injury. It is further



submitted that the said occurrence took place on 20.08.2021 but the complaint has been filed by the informant after 1 month 2 days of the alleged occurrence i.e. on 22.09.2021 and the FIR has been lodged after one and a half month of the alleged occurrence i.e. on 06.10.2021. There is no specific overt act against the petitioner. There is general and omnibus allegation against the petitioners. There is case and counter case between the parties. Petitioner no.1 lodged Gangaur P.S. Case No. 429/2021 against the informant of the present case and five others. Petitioner nos. 4 & 7 have no criminal antecedent whereas petitioner nos. 1, 3 & 6 have one criminal antecedent and petitioner no.5 has two criminal antecedents as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, since there is delay in filing of FIR, 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 Court below where the case is pending/successor Court in connection with



Khagaria (Gangaur) P.S. Case No. 802 of 2021, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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