

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58806 of 2023

Arising Out of PS. Case No.-1234 Year-2022 Thana- KHAGARIA District- Khagaria

1. Gulo Yadav S/O Late Ganesh Yadav Vill Kumhar Chakki, Ps- Muffasil, Dist Khagaria
2. Rabo Yadav @ Ravindra Yadav Son Of Satya Narayan Yadav Vill Kumhar Chakki, Ps- Muffasil, Dist Khagaria
3. Nilesch Yadav Son Of Satya Narayan Yadav Vill Kumhar Chakki, Ps- Muffasil, Dist Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 13-09-2023 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 427, 307, 504, 506, 385 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per prosecution case, the F.I.R. has been lodged against 18 named accused persons including the present petitioners. The allegation against the petitioners is to assault the informant and his nephew due to a long pending land dispute.

4. Learned counsel for the petitioners submits that

petitioners are innocent and have committed no offence. Counsel submits that the name of the petitioners have falsely been implicated in this case due to rivalry. Counsel further submits that the said occurrence has taken place on 18.11.2022 and the F.I.R. has lodged on 20.11.2022 i.e., delay of about 2 days.

5. Counsel further submits that for the same date and place of occurrence, there is case and counter case filed by both the parties, bearing Khagaria (Muffasil) P.S. Case No. 1234 of 2022 from informant's side whereas the Khagaria (Muffasil) P.S. Case No.1260 of 2022 from the petitioners' side.

6. Counsel further submits that the antecedent of petitioner no.1 is clean whereas there is one antecedent against the petitioner nos. 2 and 3.

7. Learned A.P.P. for the State opposes the prayer for bail.

8. In the present facts and circumstances, this Court is not inclined to grant the privilege of bail to petitioner nos, 2 and 3, namely, Rabo Yadav and Nilesh Yadav. Accordingly, the prayer for bail of petitioner nos. 2 and 3 is hereby rejected.

9. Considering the nature of allegation levelled against petitioner no. 1, namely, Gulo Yadav, let him be released

on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of ₹30,000/- (Rupees Thirty Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, in connection with Khagaria (Muffasil) P. S. Case No.1234 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dr. Anshuman, J.)

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