

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60146 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- BARHARA District- Bhojpur

Meghnath Yadav Son Of Late Rajendra Yadav R/O Village- Babhangawan,
P.S.- Barahara (Krishnagarh O.P.), District- Bhojpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 60719 of 2022

Arising Out of PS. Case No.-220 Year-2022 Thana- BARHARA District- Bhojpur

Dhanjee Yadav S/o Jagdish Yadav Resident of village- Babhangawan, P.S.-
(Krishnagarh), Barahara, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60146 of 2022)

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Md. Shakir Ahmad, APP

(In CRIMINAL MISCELLANEOUS No. 60719 of 2022)

For the Petitioner/s : Mr. Anil Kumar Singh, Adv.

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

With consent of the parties, both the applications
arise out of the same P.S. case are being heard together and
disposed off by a common order.

The petitioners seek regular bail, who is in custody
in connection with Barahara P.S. Case No. 220 of 2022
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 307, 326, 504 and 506 of the Indian Penal Code



and Section 27 of the Arms Act.

The prosecution case is based on the *fardbeyan* of the informant alleging therein that on the occasion of Holi on account of some altercation, all the accused persons including the petitioners assaulted the informant and his family members by means of *khanti*, *lathi* and *danda*. It has also been alleged that both the petitioners having armed in their hands made indiscriminate firing along with others resulting into firearm injuries to the informant's mother.

Learned counsel appearing on behalf of the petitioners submits that from the FIR, it is evident that specific allegation has been levelled against Tej Pratap Yadav, on whose fire, the informant's mother sustained two firearm injuries. So far as the petitioners are concerned, there is omnibus allegation of resorting firing, due to which, none has sustained any injury. He further submits that one of the co-accused, namely, Shabhapati Yadav@ Mangal Yadav against whom there is allegation that he assaulted the cousin of the informant by means of *khanti*, has been allowed the privilege of bail by a learned co-ordinate Bench of this Court vide order dated 22.12.2022 in Cr. Misc. No. 51702 of 2022. He next submits that, in fact, there is prior enmity between the parties resulting



into lodging of cases from both sides and so far as the petitioner in Cr. Misc. No. 60146 of 2022 is concerned, he has found involved in one another criminal case, however, he has been allowed the privilege of bail in the said case. So far the petitioner in Cr. Misc. No. 60719 of 2022 is concerned, he has found involved in four other criminal cases as mentioned in paragraph-3 of the bail application.

On the other hand, learned counsel for the State opposes the bail applications and submits that the petitioners are habitual offenders as is evident from their antecedent and there is specific allegation about their involvement.

Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that another co-accused person has been allowed the privilege of bail and, moreover, from the prosecution case, it is evident that the alleged firing resorted by the petitioners has not caused any injury to anyone, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Barahara P.S. Case No. 220 of 2022, subject to the condition that one of



the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and, in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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