

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63255 of 2023

Arising Out of PS. Case No.-290 Year-2023 Thana- BANMANKHI District- Purnia

1. Jay Kumar Yadav @ Jay Kumar Singh, aged about 32 years, Gender- Male, son of Mohan Yadav, resident of village- Kaushkapur, PS- Raniganj, Dist- Araria
2. Pawan Yadav, aged about 42 years, Gender-Male, son of Tarni Yadav,
3. Subhash Yadav, aged about 22 years, Gender- Male, son of Pawan Yadav, Both resident of village- Parihari, PS- Raniganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Banmankhi PS Case No.290 of 2023 dated 22.06.2023, instituted under Sections 147, 341, 323, 363, 365, 379, 504, 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on 22.06.2023 at about 7.00 AM while the father of the informant, namely, Subol Yadav, was doing work in his field then the informant got information that the accused persons named in the FIR along with 8-10 unknown miscreants by forming an



unlawful assembly came and kidnapped him. Thereafter, the informant chased the miscreants and met with co-accused Gajendra Yadav @ Gajo Yadav and enquired about the same, then co-accused Gajendra Yadav, Subhash Yadav and Gulshan Kumar pointed out firearm on his temporal region and started abusing and assaulting him and also snatched golden locket from him. The accused persons severely assaulted his father and threatened him with dire consequences as accused persons suspected about the involvement of his father in a case of theft of buffalo of Gajendra Yadav.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that the petitioners have been intentionally implicated in this case because co-accused Gajendra Yadav stated that the father of the informant, Subol Yadav, has stolen buffalo of Gajendra Yadav for which there was scuffle between the victim and the co-accused, Gajendra Yadav. In the village, some persons including the petitioners raised voice against the theft of buffalo by the father of the informant. It is further submitted that so far allegation of assault is concerned, the victim himself has alleged that he was assaulted by Gajendra Yadav, but the injury found on the person



of the victim is simple. There is no allegation of assault levelled against the petitioners in the statement recorded under Section 164 Cr. P. C. The petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar, in Banmankhi PS Case No.290 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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