

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67744 of 2023

Arising Out of PS. Case No.-238 Year-2023 Thana- NARHATT District- Nawada

1. Mukesh Kumar @ Mukesh Don @ Jai Shankar Prasad Son Of Shyam Kishore Yadav @ Shyam Kishore Prasad Resident Of Village - Hasanchak, P.S. - Sitamarhi, District - Nawada
2. Guddu Yadav @ Guddu Kumar Son Of Hari Yadav @ Hari Prasad Yadav Resident Of Village - Hasanchak, P.S. - Sitamarhi, District - Nawada

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
For the Informant	:	Mr. Birendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned A.P.P. for the State.

2. The petitioners have preferred this application for grant of regular bail in connection with Narhat (Sitamarhi) P.S. Case No. 238 of 2023 dated 26.05.2023 registered for the offences punishable u/ss 341, 323, 325, 427, 354B, 379 and 307 read with section 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have come to the house of the informant and started abusing on the issue of voting. On being



protested, they started assaulting and the petitioner no. 1 Mukesh Kumar@ Mukesh Don fired on the informant's son Alok Ranjan which hit his hand causing injury. They also assaulted the informant's two other sons with iron rod causing severe injury. When the informant went to rescue, the petitioner no. 2 Guddu Yadav fired on him which was missed and then Mukesh Yadav came and started assaulting Amit Kumar indiscriminately with iron rod due to that he became unconscious. Thereafter, all the accused persons entered the informant's house and assaulted his family members and the co-accused Shyam Kishore molested the informant's wife and they also looted Rs. 5,000 /-, a mobile phone and jewellery.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The informant and his family members sustained injuries which are non-vital part of the body. The petitioner no. 1 is accused in five other criminal cases whereas the petitioner no. 2 is also accused in five other criminal cases as stated in para 3 of the bail petition. The petitioners are in custody since 13.07.2023.

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



petition of the petitioners.

6. 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, Nawada in connection with Narhat (Sitamarhi) P.S. Case No. 238 of 2023, P.T.N.-2080/2023 with the condition/s:-

(i) 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 be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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