

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70307 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- MADHEPURA District- Madhepura

1. ANTRAM YADAV Son of Dukhi Yadav R/o vill - Khopaity, ward no. 11, P.S and Distt. - Madhepura
2. Kulo Yadav @ Kuldeep Yadav S/o Dukhi Yadav R/o vill - Khopaity, ward no. 11, P.S and Distt. - Madhepura
3. Gurchan Yadav @ Amar Kumar Yadav Son of Antram Yadav R/o vill - Khopaity, ward no. 11, P.S and Distt. - Madhepura
4. Lalo Yadav @ Lalan Yadav Son of Kapildeo Yadav R/o vill - Khopaity, ward no. 11, P.S and Distt. - Madhepura
5. Perwesh Yadav @ Subhash Yadav Son of Mahender Yadav R/o vill - Khopaity, ward no. 11, P.S and Distt. - Madhepura
6. Sikari Yadav Son of Bino Yadav R/o vill - Khopaity, ward no. 11, P.S and Distt. - Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Buddhi Lal Yadav, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Madhepura P.S. Case No. 129 of 2022, dated 10.02.2022, registered for the offence punishable under Sections 447, 341, 323, 307, 379, 504, 506/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 37 (b) (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



3. The case of prosecution, in short, is that the petitioners and co-accused persons named in the FIR, entered into the house of informant armed with lathi, danda and country made pistol and they started abusing the informant. When the informant objected, then the accused Azad Yadav started firing by semi-rifle. Thereafter, all the accused persons entered into the informant's house and looted cash amounting to Rs. 1,50,000/- from a box. It is alleged that accused Azad Yadav was in drunken condition during the occurrence.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The allegation against the petitioners are omnibus and general in nature. So far as allegation under Sections 37 (b) (a) of the Excise Act is concerned, the same is against co-accused Azad Yadav and the allegation of firing is also against Azad Yadav. There is case and counter case between the parties. A counter case was lodged by Kulo Yadav @ Kuldeep Yadav, petitioner no. 2, bearing Madhepura P.S. Case No. 128 of 2022, under Sections 447, 341, 323, 307, 354(B), 379, 504, 506/34 of the I.P.C. and Section 27 of the Arms Act against the informant side. It is also submitted that from both sides none have sustained any injury and no injury report has been brought on



record. The petitioners have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail to the petitioners.

6. Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, 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.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge Excise, Madhepura in connection with Madhepura P.S. Case No. 129 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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