

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74633 of 2023

Arising Out of PS. Case No.-1370 Year-2022 Thana- KHAGARIA District- Khagaria

1. Pappu Yadav Son Of Sri Chhotan Yadav Resident Of Village - Chakkipar, P.S. - Gangaur, District - Khagaria
2. Sanjay Yadav Son Of Sri Chhotan Yadav Resident Of Village - Chakkipar, P.S. - Gangaur, District - Khagaria
3. Chhotan Yadav Son Of Late Gulo Yadav Resident Of Village - Chakkipar, P.S. - Gangaur, District - Khagaria
4. Balichandra Yadav Son Of Sri Dunilal Yadav Resident Of Village - Chakkipar, P.S. - Gangaur, District - Khagaria
5. Ram Shakha Yadav Son Of Sri Dunilal Yadav Resident Of Village - Chakkipar, P.S. - Gangaur, District - Khagaria
6. Dunilal Yadav Son Of Late Gulo Yadav Resident Of Village - Chakkipar, P.S. - Gangaur, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2023 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 448, 341, 323, 325, 307, 504, 506 and 34 of the Indian Penal Code and Section 27 of the Arms Act in which subsequently Section 302 of the Indian Penal Code was also added which is pending in the learned court below.

3. As per the prosecution case, petitioners armed with



deadly weapons entered into the house of the informant and started abusing and assaulting him. During the treatment the informant died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that there is case and counter case between the parties. He submits that there is no specific overt act against the petitioner nos.2, 4,5 & 6. He further submits that there is land dispute between the parties. He further submits that petitioner no.6 has got no criminal antecedent and petitioner no.1 to 5 has got one criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail and submits that petitioner no.1 & 3 have assaulted the informant due to which he died. Therefore, they does not deserve bail.

6. Considering the aforesaid facts and circumstances and the fact that there is no specific overt act against the petitioner nos.2, 4, 5 & 6, let the petitioner nos.2, 4, 5 & 6, named above, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of



Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Khagaria (Gangaur) P.S. Case No.1370 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Insofar as petitioner nos.1 & 3 is concerned there is specific allegation against them to assault the informant due to which the informant died, I am not inclined to enlarge the petitioner nos.1 & 3 on bail in connection with Khagaria (Gangaur) P.S. Case No. 1370 of 2023. Accordingly, their prayer for anticipatory bail is hereby rejected.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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