

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74440 of 2022

Arising Out of PS. Case No.-248 Year-2022 Thana- HASPURA District- Aurangabad

1. MANISH YADAV SON OF RAMASHISH YADAV R/O VILLAGE-CHIRAIYAN TAND, P.S.- HASPURA, DISTRICT- AURANGABAD (BIHAR)
2. SANTOSH YADAV SON OF RAMASHISH YADAV R/O VILLAGE-CHIRAIYAN TAND, P.S.- HASPURA, DISTRICT- AURANGABAD (BIHAR)
3. SURENDRA KUMAR @ SURENDRA YADAV SON OF NATHUN YADAV R/O VILLAGE- CHIRAIYAN TAND, P.S.- HASPURA, DISTRICT- AURANGABAD (BIHAR)
4. SIPAHI YADAV SON OF RAM RAGHU R/O VILLAGE- DIHURI, P.S.- HASPURA, DISTRICT- AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-03-2023 Heard the parties.

At the outset, learned counsel for the petitioner seeks permission to withdraw this application with regard to petitioner no.1, who has been apprehended by the police, during pendency of this application.

Permission is granted.

This application with regard to petitioner no.1 is dismissed as withdrawn.

Now, it is being heard for consideration of bail of



petitioner nos.2 to 4.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 148, 149, 341, 323, 324, 325 of the IPC and section 27 of the Arms Act.

As per the prosecution case, the F.I.R. named accused persons including the petitioner no.1 and 2 opened fire upon the husband and brother-in-law of the informant but the same did not hit. Thereafter, the petitioners and others indiscriminately assaulted them by means of various weapons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. Specific allegation is against Ramashish Yadav, who assaulted the informant by means of iron rod on his head and which injury was grievous in nature. There is case and counter-case between the parties for the alleged occurrence. The injuries as alleged to be inflicted by the petitioners are simple in nature. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for bail.



Having regard to the facts and circumstances of the case, since the injuries are simple in nature, let the above named petitioner nos.2 to 4, 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. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Haspura P.S. Case No.248 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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