

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10233 of 2024

Arising Out of PS. Case No.-185 Year-2023 Thana- MUNGER MUFFASIL District- Munger

1. Anil Yadav Son of late Hiyalal Yadav Resident of Village-Lagma, P.S.-
Dharhara (Hemjapur), Distt.-Munger
2. Manish Yadav Son of Rampravesh Yadav Resident of Village-Lagma, P.S.-
Dharhara (Hemjapur), Distt.-Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 12650 of 2024

Arising Out of PS. Case No.-185 Year-2023 Thana- MUNGER MUFFASIL District- Munger

Ram Prakash Yadav @ Ram Pravesh Yadav S/o Late Hiyalal Yadav R/o vill -
Mirzachak Lagma, P.S. - Dharhara (Hemjapur), Distt. - Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10233 of 2024)

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

(In CRIMINAL MISCELLANEOUS No. 12650 of 2024)

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 16-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Mufassil P.S. Case No.185 of 2023 lodged under Sections 302,
385 and 506 of the I.P.C. read with Section 27 of the Arms Act.

3. As per the prosecution case, the F.I.R. has been
lodged against the nine named accused persons including the



petitioners. The specific allegation of gun shot is against the accused namely, Rakesh Yadav and Neeraj Yadav and the order giver, is Ram Pravesh Yadav.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that from the contents of F.I.R., it become crystal clear that the allegation of act and overt act are upon only three accused persons, namely, Ram Pravesh Yadav, Rakesh Yadav and Neeraj Yadav and against rest accused persons, there is absolutely no whisper against them.

5. Counsel further submits that from the contents of F.I.R., it become crystal clear that the cause of dispute is agricultural land and there is neither act and overt act against the present petitioners of both the cases.

6. Counsel for the petitioners submits that the petitioners are in custody since 02.12.2023 having two criminal antecedent of petitioner No.1 (Anil Yadav) in which he is on bail and the petitioner No.2 (Manish Yadav) has clean antecedent and the petitioner (Ram Prakash Yadav) of second case, has one criminal case in which he is on bail.

7. Learned counsel for the State opposes the prayer for bail and submits that the petitioners are member of mob and



have committed offence in connivance with each other.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioners of both the cases above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-II, Munger in connection with Mufassil P.S. Case No.185 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

(Dr. Anshuman, J.)

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