

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23492 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- WARISLIGANJ District- Nawada

RAJESH YADAV SON OF LATE MATHURA YADAV Resident of Village -
Dedgaoun, P.S. - Kashichak, District - Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-03-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Warsaliganj P.S. case No. 27 of 2024 instituted for the offences under Sections 147, 148, 149, 323, 324, 332, 333, 337, 338, 307, 353 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, on receipt of information that two groups of criminals are fighting and indiscriminately firing on each other for illegally occupying business at railway rack point, Warsaliganj in which accused persons were from two castes i.e. Dhanuk and Yadav, the police reached at the place of occurrence and saw three persons were



lying in injured condition on the road who were sent to PHC, Warsaliganj for treatment by police vehicle. It is alleged that when the police party tried to pacify the violent crowd including one village head namely Dilip Raut of village Rajpur Saur Panchayat, they started pelting stones indiscriminately on the police party as well. The police also recovered 13 empty cartridges of different category from the place of occurrence.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case merely on the basis of suspicion. Learned counsel for the petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner is only the mute spectator in the mob and has not committed any offence. Similarly situated co-accused persons have already been granted bail by this Court vide order dated 12.03.2024 passed in Cr. Misc. No. 15724 of 2024. It has been submitted on behalf of the petitioner that the petitioner is in custody since 13.01.2024 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.



6. Considering the aforesaid facts and circumstances of the case, clean antecedent, claim based on parity as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Warsaliganj P.S. case No. 27 of 2024.

(Rudra Prakash Mishra, J)

Alok Verma/-

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