

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27023 of 2024

Arising Out of PS. Case No.-1126 Year-2023 Thana- KHAGARIA District- Khagaria

1. Deepak Kumar @ Deepak Yadav Son of Ganesh Yadav Resident of Dan Nagar, Ward No. 15, P.S.- Khagaria, Dist.- Khagaria
2. Dilip Kumar @ Dilip Yadav Son of Ganesh Yadav Resident of Dan Nagar, Ward No. 15, P.S.- Khagaria, Dist.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.D. Sanjay, Sr. Advocate Mr. Mohit Agrawal, Advocate Mrs. Sushmita Mishra, Advocate Mr. Lokesh Kumar, Advocate
For the State	:	Mr. Arbind Kumar Pandey, APP 84
For the Informant	:	Mr. Mrityunjay Kumar, Advocate Mr. Amar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for the informant.

2. The petitioners apprehend arrest in connection with Khagaria P.S. Case No. 1126 of 2023 dated 02.11.2023 instituted for the offence punishable under Sections 341, 323, 324, 307, 504/34 the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged date of occurrence, a *panchayati* was taking place between petitioner no. 1 and his cousin, namely, Durgesh Yadav with respect to a land dispute. In the meantime, petitioner no. 1



started abusing the brother of informant. On protest, he fired from pistol and assaulted informant's brother by the butt of pistol. Allegation against the petitioner no. 2 is that he assaulted on the head of the informant by *khanti*, due to which he sustained injury on his head and got eight stitches in head.

4. Learned counsel for the petitioners submits that the petitioner are innocent and they have been falsely implicated in this case. It is further submitted that both the sides are agnates. There is a case and counter case between the parties for the same occurrence. The mother of petitioner no. 1 lodged a case bearing Khagaria P.S. Case No. 1127 of 2023 against the informant and his family members, in which petitioners' side received grievous injury. In the present case, injury received by the informant's side is simple in nature. Learned counsel for the petitioners further submits that due to land dispute, the alleged occurrence took place between the parties. Lastly, it has been submitted that petitioners have two criminal cases against them.

5. On the other hand, learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Khagaria P.S. Case No. 1126 of 2023, they will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria subject to condition as laid down under Section 438(2) of the Cr.P.C., as well as the following conditions:-

I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or their wives.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on



ground of misuse.

IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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