

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28313 of 2024

Arising Out of PS. Case No.-140 Year-2018 Thana- MANSAHI District- Katihar

1. Dhananjay Kumar Yadav @ Dhananjay Yadav Son Of Baijnath Yadav Resident Of Mansahi, P.S. - Mansahi, District - Katihar
2. Arbind Yadav Son Of Baijnath Yadav Resident Of Mansahi, P.S. - Mansahi, District - Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Mansahi PS Case No.140 of 2018 dated 23-12-2018, instituted
under Sections 307 and 302 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 23-12-2018
accused persons having variously armed surrounded and
brutally assaulted the brother of informant, namely Ravindra
Yadav. It is further alleged that during the course of occurrence
accused persons also assaulted to father of informant, due to
which he died at KMCH, Katihar, during the course of
treatment.



4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is no specific allegation against the petitioners rather the allegations against them is general and omnibus. It is further submitted that after investigation, police has submitted Final Form against the petitioners *vide* Final Report No. 116 of 2021, dated 11-08-2021, but the learned Magistrate differing with the Final Form in a mechanical manner took cognizance against the petitioners on 22-08-2021 along with other fourteen named accused persons. Lastly, it has been submitted that the petitioner Nos. 2 has no criminal antecedents whereas, two criminal cases are pending against the petitioner no.1 since before.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners 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 ACJM -VI, Katihar, in Mansahi PS Case No.140 of 2018, subject to the conditions laid down in Section 438(2) of



the Code of Criminal Procedure,1973.

7. The application stands allowed.

(Khatim Reza, J)

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