

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45012 of 2024

Arising Out of PS. Case No.-284 Year-2022 Thana- PIRPAINTI District- Bhagalpur

1. Sakaldeep Yadav Son Of Kheladi Yadav Village- Kahalgaon Tola, P.S.- Pirpainti, Distt.- Bhagalpur
2. Birbal Yadav Son Of Lal Babu Yadav Village- Kahalgaon Tola, P.S.- Pirpainti, Distt.- Bhagalpur
3. Mogal Yadav @ Mogal Kumar Yadav Son Of Lal Babu Yadav Village- Kahalgaon Tola, P.S.- Pirpainti, Distt.- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambrish Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Pirpainti P.S. Case No. 284 of 2022 registered on 30.08.2022 for the alleged offences under Sections 147, 148, 149, 341, 323, 326, 327, 307, 448, 504 of the Indian Penal Code, 27 of the Arms Act and later on added Section 302 of the Indian Penal Code.

03. As per prosecution case, in backdrop of some land dispute, petitioners and a number of other co-accused persons barged into the houses of the informant and others and on saying of co-accused Ramnath Yadav, two co-accused persons fired upon



the husband of the informant, who sustained grievous injuries. In the firing made by other co-accused persons, other family members of the informant received injuries. The husband of the informant succumbed to his injuries during treatment.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. There is no allegation of any specific overt act against these petitioners for assaulting any person. Even there is no allegation of petitioners' participation in the alleged occurrence or that they were armed with any weapon. Admittedly, the petitioners and informant's side are agnates and there is land dispute between them and for this reason entire family members of the petitioners have been made accused in this case. The petitioners are having clean antecedent.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP further submits that the petitioners were also the part of the mob, which attacked the husband of the informant and her other family members and a number of persons received injuries and the husband of the informant died in course of treatment.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that there is no specific allegation of any overt act against the



petitioners and further considering possibility of false implication in the background of land dispute, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Pirpainti P.S. Case No. 284 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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