

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51243 of 2024

Arising Out of PS. Case No.-134 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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1. Mithilesh Yadav @ Mithilesh Prasad Yadav Son Of Late Jageshwar Yadav Resident of Vill- Paika Charai, P.S.- Kusheshwar Asthan, District-Darbhangha.
 2. Arbind Yadav @ Arbind Kumar Yadav Son of Jogi Yadav @ Yogendra Yadav Resident of Vill- Paika Charai, P.S.- Kusheshwar Asthan, District-Darbhangha.
 3. Lalo Yadav Son of Jogi Yadav Resident of Vill- Paika Charai, P.S.- Kusheshwar Asthan, District-Darbhangha.
 4. Sacchin Yadav @ Sachin Kumar Son of Mithilesh Yadav @ Mithilesh Prasad Yadav Resident of Vill- Paika Charai, P.S.- Kusheshwar Asthan, District-Darbhangha.
 5. Jogi Yadav @ Yogendra Yadav Son of Late Jageshwar Yadav Resident of Vill- Paika Charai, P.S.- Kusheshwar Asthan, District-Darbhangha.
 6. Parmeshwar Yadav Son of Late Jageshwar Yadav Resident of Vill- Paika Charai, P.S.- Kusheshwar Asthan, District-Darbhangha.
 7. Surendra Yadav Parmeshwar Yadav Resident of Vill- Paika Charai, P.S.- Kusheshwar Asthan, District-Darbhangha.
 8. Indal Yadav Son Parmeshwar Yadav Resident of Vill- Paika Charai, P.S.- Kusheshwar Asthan, District-Darbhangha.
 9. Ragho Yadav Son Late Awadh Yadav Resident of Vill- Mahishauth, P.S.- Kusheshwar Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar
For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a

case registered for the offence punishable under Sections 341,



323, 379, 504, 506/34 of the Indian Penal Code and Section 25(1-b)a/26 of the Arms Act.

3. Petitioners along with other accused persons are said to have assaulted the informant with butt of pistol, committed theft of Rs. 3000/- and also fired upon him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to village politics. He submits that the real fact is that the informant himself committed loot in the house of petitioner no. 8 and assaulted the family members and also fired by gun. He submits that the informant produced the country made pistol to the I.O. as such the Arms Act is not applicable against the petitioners. He submits that there is no specific overt act against the petitioners. He further submits that petitioner nos. 2, 4 and 7 have one criminal antecedent and rest of the petitioners have no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case and the fact that no arms has been recovered from the possession of the petitioners, let the above named petitioners in



the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kusheshwar Asthan P.S. Case No. 134 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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