

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49846 of 2024

Arising Out of PS. Case No.-284 Year-2023 Thana- SURYAGARHA District- Lakhisarai

Shakti Yadav @ Shakti Kumar, aged about 32 years (Male), Son of Janardan Yadav @ Umesh Yadav, R/O Vill.- Nista, P.S.- Surajgarha, Dist.- Lakhisarai.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Umesh Prasad, Advocate
For the Opposite Party : Mrs. Shaheen Begum, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Surajgarha (Manikpur) P.S. Case No. 284 of 2023 dated 03.08.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 323, 325, 307, 385, 387, 427, 504, 506 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, the ancestors of the informant and Shiv Shankar Sah had exchanged their lands in the year 1930 and on that basis, they have been claiming possession over the said land since last 93 years. It is further alleged that the construction work of the house over the said land was completed on 02.08.2023. It is further alleged that at



about 12.30 A.M., the co-accused Nitish Mandal, S/O Chhotan Mandal, Dashrath Mandal, Amit Kumar, Mantu Mahto, Chandan Yadav, Abhinandan Yadav, Guddu Yadav, Pappu Yadav, Sanjay Yadav, Nitish Kumar, S/O Sanjay Yadav, Shakti Yadav (petitioner) alongwith 10-15 unknown persons armed with country made pistol, gun, Musket and Khanti under the leadership of the co-accused Dashrath Mahto and Nitish Mandal, S/O Chhotan Mandal, came and fired around 30-40 rounds to create terror. It is also stated that they assaulted the informant's brother Sudhir Mahto, nephew Brajesh Kumar and the villager-Setho Mahto by means of 'Kunda' of the gun and the butt of the pistol causing fracture injuries on hands, legs and head and the injured were dragged mercilessly by the accused persons for some distance and threw ahead the *Gendhari Boring*. It is also stated that when the villagers were coming towards the place of occurrence after raising alarm, the miscreants fired on them. It is further alleged that the miscreants went away after demanding to deliver Rs. 5,00,000/- as extortion money and threatened that else his entire family members would be killed. They also damaged the centering and door of the house.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is no specific allegation against the petitioner. There is general and omnibus allegation against the petitioner. No extortion money was paid by the informant to the petitioner, hence, ingredients of Sections 385 and 387 of the I.P.C. does not get attracted against the petitioner. There is no injury on the vital part on the person of the injured as such Section 307 of the I.P.C. does not get attracted against the petitioner. There is case and counter case between the parties. There is also land dispute pending between the parties. It is further submitted that other co-accused person Mantu Mahto @ Manntu Mahto has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 8612 of 2024 under order dated 07.03.2024, annexed as Annexure-P/2 to the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Surajgarha (Manikpur) P.S. Case No. 284 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

I. The learned court below shall verify the criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the learned court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for the purpose of or in the name of verification.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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