

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54608 of 2024

Arising Out of PS. Case No.-608 Year-2022 Thana- KONCH District- Gaya

1. Pramod Yadav @ Pramod Kumar Son of Awdhesh Yadav R/O Vill.-
Hasanpur, P.s.- Uphara, Dist.- Aurangabad.
2. Markandey Singh Son of Keshwar Singh @ Kehswar Singh R/O Vill.-
Bajitpur, P.s.- Goh, Dist.- Aurangabad.
3. Baban Singh Son of Markandey Singh R/O Vill.- Bajitpur, P.s.- Goh, Dist.-
Aurangabad.
4. Ramprit Yadav Son of Phulman Yadav R/O Vill.- Aranda, P.s.- Uphara,
Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Sharma

For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioners and learned
counsel for the State.

2. In this case, the petitioners are apprehending
their arrest in connection with Konch P.S. Case No. 608 of
2022, registered for the offences under Sections 147, 148, 149,
307, 504 and 506 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per prosecution case, the petitioners and



other co-accused persons, who were armed with rifle, gun, *bhala*, *garansa*, sword, *lathi* and *danda* opened fire upon the agricultural land of the informant targeting the informant and her brother but they somehow saved themselves. Thereafter, the petitioner no. 1 and co-accused Uday Yadav assaulted the cousin of the informant with the butt of the rifle causing fracture of his head.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. There is land dispute between the parties. There is case and counter case between the parties and the petitioners side lodged Konch P.S. Case No. 607 of 2022 which was prior to the instant case. A number of persons from the petitioners' side have received injuries. The informant side is assailant and they have received only one injury. Moreover, the injury received by the informant's cousin is said to be simple in nature. The prosecution case is false and concocted. The real fact of the case is that the mother of the petitioner no. 1 has purchased a piece of land from the agnates of the informant bearing Khata No. 293, Plot No. 140 area of 90 decimals and Khata No. 293, Plot No. 60 area of 60 decimals and while the petitioner side was cutting



his paddy crop, the informant side objected the same and assaulted the petitioner and others. Similarly situated co-accused has already been granted anticipatory bail by this Court vide order dated 13.10.2023 passed in Cr. Misc. No. 62102 of 2023. Petitioners are having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication in the light of earlier case of the petitioners side and further considering the simple nature of injury of the victim from the informant side, 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 bonds of Rs. 10,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya in connection with Konch P.S. Case No. 608 of 2022, subject to the conditions as 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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