

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55609 of 2024

Arising Out of PS. Case No.-100 Year-2024 Thana- PARBATTa District- Khagaria

1. Sipin Kumar, Male, aged about 26 years, Son of Late Prasadi Yadav, R/O Village- Araria, Ps- Parbatta (Maraiya), Dist- Khagaria.
2. Sakchan Yadav, Male, aged about 28 years, Son of Ram Dhari Yadav @ Muso Yadav, R/O Village- Araria, P.S.- Parbatta (Maraiya), Dist- Khagaria.
3. Munna Yadav, Male, aged about 25 years, Son of Ram Dhari Yadav @ Muso Yadav, R/O Village- Araria, P.S.- Parbatta (Maraiya), Dist- Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Shekhar Kumar Singh, Advocate
For the Opposite Party	:	Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 30-09-2024 This matter has been listed under the heading ‘For Orders (on office notes)’.

2. Heard learned counsel for the petitioners and learned A.P.P. for the State.

3. The petitioners seek bail in connection with Parbatta (Maraiya) P.S. Case No. 100 of 2024, corresponding to G.R. No. 752 of 2024 dated 14.03.2024 registered for the offences punishable under Sections 341, 323, 307, 353, 188, 504, 506/34 of the I.P.C. and Section 27 of the Arms Act.

4. As per the prosecution case, the informant got a piece of land through registered sale deed under Mauza-Araria, Thana



No. 332, Tauzi No. 525, Khata No. 07, Khesra No. 387, Rakwa-0.3 Katha, and the S.D.M. has passed an order for demarcation of the said land in Case No. 41/2023-24, from 13.03.2024 to 14.03.2024 and accordingly, the Anchal Amin, namely, Saurav Kumar, was appointed for the same. It is further alleged that on 13.03.2024, when the land was demarcated by the Anchal Amin at about 1.00-2.00 P.M., in the meantime, the F.I.R. named accused nos. 1-7 including the petitioners armed with deadly weapons, started firing on the informant and his wife but anyhow they saved their lives. It is further alleged that the F.I.R. named accused nos. 8-12 holding lathi and danda started running to assault the informant. It is further alleged that all the accused persons are of criminal nature and threatened to kill him. All these incidents were captured in the camera.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that there is previous land dispute between the parties and also a dispute of passage of the residential land on which Demarcation Case No. 41/2023-24 was going on between the parties. There is general and omnibus allegation against the petitioners. It is further submitted that no one has sustained any firearms injury, hence, Section 27 of the



Arms Act is not made out in the present case. There is no recovery of any khokha or any cartridge from the place of occurrence by police. Nothing has been recovered from the possession of the petitioners. It is further submitted that the CCTV footage does not reflect any face of the petitioners that they were present at the place of occurrence on the alleged date and time of occurrence. Moreover, the video footage was sent for F.S.L. report. The petitioner no. 1 has got clean antecedent and the petitioner nos. 2 and 3 have one criminal antecedent as stated in paragraph no. 3 of the bail application. The petitioners are in custody in this case since 01.05.2024.

6. Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, let the above named petitioners, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Khagaria, in connection with Parbatta (Maraiya) P.S. Case No. 100 of 2024, corresponding to G.R. No. 752 of 2024 with further conditions:-

I. The petitioners are directed to remain



physically present before the learned court
below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioners is liable
to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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