

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52801 of 2024

Arising Out of PS. Case No.-21 Year-2023 Thana- HARLAKHI District- Madhubani

Manish Yadav @ Kumar @ Manish Kumar Yadav Son Of Kusheshwar Yadav
Resident Of Village - Gangaur, P.S. -Harlakhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Udeshya Kumar Yadav, Advocate
For the State	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-08-2024 Heard Mr. Gagandeo Yadav, learned counsel for
the petitioner and Mr. Syed Mojibur Rahman, learned APP for
the State.

2. The petitioner apprehends his arrest in connection
with Harlakhi P.S. Case No. 21 of 2023 dated 23.01.2023
registered for the offences punishable under Sections 341, 323,
307, 325, 504, 506 and 354 read with Section 34 of the Indian
Penal Code.

3. Learned counsel appearing for the petitioner
submits that no occurrence, as alleged in the FIR, has ever taken
place and the entire prosecution version is concocted and
fabricated. It is further submitted that the petitioner is the
nephew of the informant and due to a land dispute existing



between them, he has been falsely implicated in this case. It is further submitted that the petitioner has been chargesheeted for the bailable offences but in addition to the chargesheet offences, learned trial court has also taken cognizance under Section 307 IPC. It is further submitted that the petitioner has got no criminal antecedent.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Having considered the submissions noted hereinabove and mainly the facts that after the completion of investigation, the petitioner was chargesheeted for the bailable offences but the learned trial court has taken cognizance for the offence under Section 307 of IPC also in addition to chargesheet offences and on the part of the informant, a considerable delay of six days has occurred in lodging the FIR and there is no criminal antecedent against the petitioner and both the parties are relatives and a land dispute is said to be the genesis of the alleged occurrence and also, keeping in view the completion of investigation against the petitioner, in my opinion, the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Harlakhi P.S. Case No. 21 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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