

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61822 of 2023

Arising Out of PS. Case No.-343 Year-2022 Thana- GOGRI District- Khagaria

1. BHUPENDRA NARAYAN YADAV @ BHUPENDRA YADAV, aged about 70 years, Son of Tej Narayan Yadav
2. Kumud Yadav, Male, aged about 40 years, Son of Ram Bilash Yadav
Both R/o Usri, P.S. - Gogri, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 27-02-2024 Heard Mr. Binay Kumar, learned counsel appearing on behalf of the petitioners and Mr. .Mritunjay Kumar Nirala, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Gogri P.S. Case No. 343 of 2022 dated 25.11.2022 registered for the offence(s) punishable under Sections 341, 323, 307, 379, 385, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the allegation made in the FIR, the informant's son had accompanied him to visit a field and in the meantime, the accused persons, named in the FIR including the petitioners overpowered them and one co-accused Gaurav



Kumar fired on the son of the informant, who sustained injury and the accused persons also demanded a sum of Rs.50,000/- as extortion.

4. Learned counsel appearing on behalf of the petitioners submitted that no specific allegation of assault has been alleged against the petitioners. The doctor has opined that the injuries are not on the vital part of the body. Against petitioner no.1, one criminal case is pending, while petitioner no.2 has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, on perusal of the FIR, it appears that general and omnibus allegation has been levelled against the petitioners, while specific allegation of assault is against co-accused, Gaurav Kumar, and the injury report also reveals that injuries are not on the vital part of the body, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks



from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogri P.S. Case No. 343 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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