

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73825 of 2024

Arising Out of PS. Case No.-284 Year-2022 Thana- PIRPAINTI District- Bhagalpur

1. Sanyal Kumar @ Captain Yadav S/o- Ramnath Yadav Village- Kahalgaon Tola, Shiv Narayanpur, P.S. Pirpanti, District-Bhagalpur.
2. Rahul Yadav @ Rahul Kumar Son of Ramnath Yadav Village- Kahalgaon Tola, Shiv Narayanpur, P.S. Pirpanti, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr.Vijay Anand, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. In the present case, the petitioners seek bail in connection with Pirpanti P.S. Case No. 284 of 2022, registered for the offences under Sections 147, 148, 149, 341, 323, 326, 327, 307, 448 and 504 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added and Section 27 of the Arms Act.

3. As per the prosecution case, petitioners and 23 other co-accused persons who were variously armed entered into the house of the informant and dragged out the inmates and allegation against the petitioners is that they fired upon the



husband of the informant who received serious injuries and fell down. The other family members of the informant were also assaulted and fired upon. The husband of the informant succumbed to his injuries during treatment.

4. Learned senior counsel appearing on behalf of the petitioners submits that this is the second attempt of the petitioners to seek bail from this Court as their prayer for bail was earlier rejected by a Co-ordinate Bench of this Court vide order dated 19.09.2023 passed in Cr. Misc. No. 38898 of 2023. Learned senior counsel further submits that the petitioners are having clean antecedent. Learned senior counsel next submits that it is case of false implication due to village politics. The dispute was between Rudal Yadav and Jainandan Yadav and the petitioners have no concern with the property in dispute as they are residents of different place. The petitioner no. 1 is a government employee and is posted as a teacher in Middle School. The learned senior counsel further submits that the whole occurrence took place in the background of land dispute between the deceased Vijay Yadav and Rudal Yadav who came from the family of Ramdahin Yadav and Amir Lal Yadav. Petitioner is a member of family of Ramdehan Yadav who have no concern with the dispute between the Rudal Yadav and Vijay



Yadav. The petitioner and informant side are agnates having common ancestors in one Shivdani Yadav who died leaving behind four sons Govind Yadav, Ramdahin Yadav, Ramdehan Yadav and Amir Lal Yadav. Learned senior counsel further submits that the present case have been lodged making a number of persons accused only to settle Pirpainti P.S. Case No. 116 of 2015. In the present case witnesses have stated that petitioners or their father have no role in the whole occurrence and they have been falsely implicated. The mother of the petitioners lodged Cr.W.J.C. No. 319 of 2024 for proper investigation of the present case and the State filed its counter affidavit wherein, it has been stated that the petitioners have not been present or seen at the place of occurrence and independent witnesses too said that one Tej Narayan Yadav was responsible for firing upon the husband of the informant. Even from the call detail reports and CCTV footage which was obtained by the police, it appears that the petitioners were not present at the place of occurrence. The petitioners are in custody since 30.08.2022. Learned senior counsel further submits that charge sheet has been submitted against the petitioners but so far trial has not proceeded further and no witness has been examined and there is no likelihood for early conclusion of trial.



5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioners. Learned A.P.P. submits that no new facts has been brought on record to reconsider the prayer for bail as there is specific allegation against the petitioners.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the statement of the authorities before this Court in Cr.W.J.C. No. 319 of 2024 and further considering the doubtful nature of allegation against the petitioners, the petitioners are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Bhagalpur/concerned court, in connection with Pirpainti P.S. Case No. 284 of 2022, subject to the condition laid down under Section 437(3) 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 below, if so required by the learned trial court.



(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

7. However, the bail bonds will be accepted by the trial court after framing of charge if not already framed.

(Arun Kumar Jha, J)

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