

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75442 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- Mufassil District- Khagaria

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1. Bablu Yadav Son of Jhingal Yadav Resident of Village - Morkahi, P.S. - Muffasil, District - Khagaria
 2. Dinesh Yadav Son of Jhingal Yadav Resident of Village - Morkahi, P.S. - Muffasil, District - Khagaria
 3. Lakshman Kumar Son of Dayanand Yadav Resident of Village - Morkahi, P.S. - Muffasil, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Muffasil P.S. Case No. 02 of 2024, registered on 01.04.2024 for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 379, 386 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioners and other co-accused persons demanded rupees three lakhs from the informant who was constructing his house but on non-payment of extortion money, they assaulted the informant and his brother causing injury on the head of the brother of the informant with



khanti and rod. Co-accused Sujit Kumar fired upon the informant but the shot missed him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners and the informant side are agnates and there is land dispute as it appears from the FIR. The allegation against the petitioners and other co-accused persons are absurd and not believable. There is only injury report on record and it is of the brother of the informant and there is no injury report of the informant or any other person. Moreover, the injury report of the brother of the informant shows only one injury on left parietal region S.C. deep laceration about 1 cm and as it is fracture, the nature of injury is stated to be grievous. Learned counsel further submits that the occurrence took place on 30.03.2024 but the FIR has been lodged on 01.04.2024 and there is no satisfactory explanation for the delay and from the facts of this case, it is also clear that no offence under Section 307 IPC is made out and other offences mentioned in the FIR, i.e., 379 and 386 IPC are ornamental in nature. The petitioners are having clean antecedent and they are in custody since 29.08.2024.

5. Learned APP opposes the submission 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 background of land dispute and further considering the improbable nature of allegation and also considering the single injury received in the occurrence by the victim and period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria/concerned Court in connection with Muffasil P.S. Case No. 02 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the 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.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the



petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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