

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85600 of 2023**

Arising Out of PS. Case No.-74 Year-2020 Thana- KHODAWANDPUR District- Begusarai

1. Birendra Yadav @ Birendra Prasad Yadav @ Biro Yadav S/O Late Rameshwar Yadav R/O Village- Khanjahanpur, Buchcha Tola, P.S- Cheriya Bariyarpur, Distt.- Begusarai.
2. Vinod Yadav @ Binod Kumar S/O Dev Kumar Yadav @ Yogendra Yadav R/O Village- Khanjahanpur, Buchcha Tola, P.S- Cheriya Bariyarpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hare Krishna Prasad, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, Advocate

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

2 18-01-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. In the present case, the petitioners are apprehending arrest in connection with Khodawandpur (Chharahi) P.S. Case No. 74 of 2020, registered on 11.04.2020 for the offences under Sections 147, 148, 149, 323, 324, 307 and 379/504 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioners and other



co-accused persons armed with lathi, rod and pistol assaulted the informant, her husband and her son causing a number of injuries to them. The son of the informant received serious injuries.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. Prior to lodging of this case, the son of the informant, Chhotu Singh shot one Arun Kumar Yadav on his shoulder for which Khodawandpur (Chhorahi) P.S. Case No. 73 of 2020 has been registered against him under Sections 341, 324, 120(B) and 307/34 of the IPC and Section 27 of the Arms Act. Learned counsel further submits that after investigation, police submitted charge-sheet against other co-accused persons, but the petitioners were not sent up to face trial. However, on the basis of protest petition, learned Court below took cognizance against the petitioners as well. Co-accused Vikash Yadav @ Vikash Kumar Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 16.08.2022, passed in Cr. Misc. No. 25272 of 2021. Learned counsel further submits that the injury report of the son of the informant is not available, which makes the prosecution case suspicious. The



petitioners are having clean antecedent.

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 fact that the police after investigation did not send up the petitioners to face trial and their names came in the case on the basis of cognizance taken by learned Magistrate on protest, let the petitioners above named, in the event of arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned court in connection with Khodawandpur (Chhorahi) P.S. Case No. 74 of 2020, subject to the condition as laid down under Section 438(2) 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



court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

Amrendra/-

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