

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80658 of 2024**

Arising Out of PS. Case No.-112 Year-2024 Thana- TANDWA District- Aurangabad

1. Jaiprakash Kumar @ Jaiprakash Yadav @ Jay Prakash Kumar S/o Lalan Yadav Resident of Village- Mojhida, P.S- Nabinagar, Distt.- Aurangabad (Bihar)
2. Mantu Kumar @ Mantu Yadav s/o Madan Yadav Resident of Village- Mojhida, P.S- Nabinagar, Distt.- Aurangabad (Bihar)
3. Vivek Kumar Yadav @ Vivek Kumar S/o Sunil Yadav Resident of Village- Mojhida, P.S- Nabinagar, Distt.- Aurangabad (Bihar)
4. Manish Kumar @ Manish Yadav S/o Lalmohan Yadav Resident of Village- Mojhida, P.S- Nabinagar, Distt.- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ashok Singh, Adv.  
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      09-12-2024      Heard learned counsel for the petitioners and learned  
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 140(1), 109, 61(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. The prosecution case, in brief, is that on the alleged date and time, when the informant was returning on bicycle from his sister's house, on his way, the accused persons including the petitioners surrounded him. Co-accused Bijendra



Yadav fired from his pistol pointing the temporal region of the informant. Thereafter all the accused persons including the petitioners started assaulting the informant brutally and in the meantime, co-accused Bijendra Yadav fired two times from his pistol upon the informant which hit left hand arm and left side of his back. It is also further alleged that co-accused Bijendra Yadav and petitioner no.2 took the informant to the hospital where the doctor said that it is a police case and on hearing the same, both the accused persons fled away from there.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is no specific overt act against the petitioners. The specific allegation of firing has been levelled against co-accused Bijendra Yadav. It is further submitted that the informant is the victim as well as the sole eye-witness to the alleged occurrence in the present case. The informant had sustained injury on his person while he was in intoxicated condition after taking liquor along with his friends. The statement about the incident of injuring the informant with



an intention of kill him does not appear to be true. Learned counsel further submits that petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposes the prayer for bail.

6. Having regard to the facts and circumstances of the case, as from bare perusal of the FIR, it is evident that there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Tandwa P.S. Case No.112 of 2024, subject to the condition as laid down under Section 482 (2) of the BNSS, 2023.

**(Anjani Kumar Sharan, J)**

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