

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82939 of 2023

Arising Out of PS. Case No.-1327 Year-2022 Thana- KHAGARIA District- Khagaria

1. Ramesh Yadav, Son of Late Matuki Yadav Resident of Village- Madhua, P.S.- Muffasil, District- Khagaria.
2. Aajad Yadav @ Aajad Kumar, Son of Ramashish Yadav Resident of Village- Madhua, P.S.- Muffasil, District- Khagaria.
3. Uday Kumar, Son of Ramashish Yadav Resident of Village- Madhua, P.S.- Muffasil, District- Khagaria.
4. Gard Yadav @ Ajay Kumar Son of Ramashish Yadav Resident of Village- Madhua, P.S.- Muffasil, District- Khagaria.
5. Manoj Yadav Son of Shri Durbal Yadav @ Dura Yadav Resident of Village- Sabdalpur, P.S.- Sahebpur Kamal, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-01-2024 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek regular bail in connection with Khagaria (Muffasil) P.S. Case No. 1327 of 2022 for the offences registered under Sections 147, 148, 149, 447, 323, 307, 506 of the Indian Penal Code and Section 27 of Arms Act.

3. As per the prosecution case, on the date of occurrence petitioners along with other co-accused persons armed with pistols came and started irrigating their lands from the pond of the informant by the pump set. On protest by the son



of informant, co-accused Dhiraj Kumar caused firearm injury on his right rib. The petitioners along with other co-accused persons assaulted the son of informant with the butt of pistol, due to which he fell down becoming unconscious. The accused persons also caused injury to one Ramnaresh Kumar and Chhotu Kumar.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Specific allegation of firing is against co-accused Dhiraj Kumar, who is not the petitioner. There is land dispute between the parties. There is case and counter case between the parties. Petitioners have surrendered before the Court below on 18.09.2023 and since then they are in custody. It is further submitted that co-accused persons, namely, Chandeshwari Yadav, Dhruv Kumar, Ramashish Yadav and Bipin Yadav have been granted bail by a co-ordinate Bench of this Court vide order dated 19.07.2023 passed in Cr. Misc. No. 40734 of 2023. Petitioner nos. 1, 2 and 4 have two criminal antecedents, Petitioner no. 3 has one criminal antecedent. They are on bail in all the cases. Petitioner no. 5 has no criminal antecedent.

5. Learned counsel appearing on behalf of the State opposes the prayer for grant of bail to the petitioners.



6. Considering the submissions made on behalf of the parties, facts and circumstances of the case and period of custody, let the petitioners, named above, be enlarged on bail upon furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in connection with Khagaria (Muffasil) P.S. Case No. 1327 of 2022, subject to further condition that *the petitioners are directed to co-operate in trial and remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.*

(Sunil Dutta Mishra, J)

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