

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85537 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- GOGRI District- Khagaria

1. Patel Yadav, S/O Kamakhya Yadav,
 2. Munna Yadav @ Munna Kumar, S/O Kamakhya Yadav,
 3. Gautam Yadav @ Gautam Kumar Yadav, S/O Maheshwar Yadav
- All are residents of village- Usri, P.S- Gogri, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr.Dashrath Mehta, APP

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 their arrest in connection with Gogri P.S. Case No. 342 of 2022 registered for the alleged offences under Sections 341, 323, 324, 307, 379, 354, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioners and other co-accused persons assaulted the husband of the informant and his son causing injuries to them. Allegation against the petitioner nos. 1 and 2 is that they opened fire and the allegation against the petitioner no.3 is that he along with other co-accused



persons assaulted the husband of the informant and her other family members with *lathi*, sword and illegal weapons. The victims suffered a number of injuries.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Though there is allegation of opening fire against the petitioner nos. 1 and 2, but no one suffered any injury in that firing as it appears from the FIR. The injuries of firearm have been caused by the co-accused Kamakhya Yadav, who has been granted bail along with co-accused Veer Prakash Yadav by a Coordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No.26100 of 2023. The learned counsel further submits that both the parties are agnates and there is land dispute between them and the occurrence could be seen in that background. There is a counter version and the same has been registered by co-accused Kamakhya Yadav vide Gogri P.S. Case No. 343 of 2022. The learned counsel further submits that the place of occurrence is disputed land on which earlier proceeding under Section 145 Cr.P.C. was initiated and it was decided in favour of the petitioners. The learned counsel further submits that as per allegation, two persons, namely, Bhupendra Yadav and Gaurav Kumar sustained injuries but their injury reports



show simple and non-serious injuries. The learned counsel further submits that the co-accused Veer Prakash Yadav was murdered by the informant's side for which Gogri P.S. Case No.364 of 2023 dated 11.10.2023 has been registered under Sections 302, 120(B) of the Indian Penal Code and Section 25 (1-B)a/26(1)/35/27(1) of the Arms Act. The learned counsel further submits that the petitioners are having no criminal antecedents except the petitioner no.1, who is having criminal antecedent of two cases and he is on bail in both the cases.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case in the background of land dispute between the parties and further considering the non-serious nature of injuries of the victims, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, in connection with Gogri P.S. Case No. 342 of 2022, subject to the conditions



mentioned in Section 438(2) of the Cr.P.C. and 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, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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