

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.882 of 2024

Arising Out of PS. Case No.-353 Year-2023 Thana- BRAHMPUR District- Buxar

1. Upendra Kumar Yadav, aged about 25 years, Male, son of Shivjee Yadav,
 2. Ramashray Yadav, aged about 42 years, Male,
 3. Raj Kishor Yadav. aged about 32 years, Male,
Both son of Nandjee Yadav,
 4. Shree Bhagawan Yadav, aged about 44 years, Male,
 5. Shree Niwas Yadav, aged about 36 years, Male,
Both son of Ram Narayan Yadav,
 6. Shivjee Yadav, aged about 40 years, Male,
 7. Dharichhan Yadav, aged about 45 years, Male,
Both son of Late Deo Narayan Yadav,
 8. Nandjee Yadav, aged about 60 years, Male, son of Late Baijnath Yadav,
 9. Ram Narayan Yadav, aged about 75 years, Male, son of Haribansh Yadav,
 10. Bharat Yadav, aged about 54 years, Male, son of Rukhimuni Yadav,
All resident of village- Javahi Diar, P.S.- Brahmpur, Distt.- Buxar
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Brahmpur PS Case No.353 of 2023 dated 18.06.2023, instituted
under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of
the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on the alleged



date of occurrence the informant was in a cloth shop situated at *Bandh*. Her husband and his brothers had gone to plough the field near Manikpur Mauza. In the meantime, the petitioners along with other co-accused came in the field armed with *Lathi*, *Danda*, *Gandasa*, Iron rod and assaulted the informant's husband and others. In the said incident, several persons had received injuries. On the order of Nandjee Yadav, Ramnarayan Yadav fired from his father's licencee gun, whereas, Shivjee Yadav and Ramashray Yadav fired from country-made pistol. They also snatched gold chain and cash.

4. Learned counsel for the petitioners submits that they are innocent and have been falsely implicated in this case. It is further submitted that due to petty dispute the occurrence took place. There is case and counter case between the parties. Petitioner no. 8 has lodged Brahampur PS Case No.354 of 2023 on the same day against the informant and others. Both sides have sustained injuries. Learned counsel further submits that all the injuries sustained by the informant's side are simple in nature. Both sides are close agnates. No firearm injury was found on the person of any of the injured and, as such, Section 27 of the Arms Act is not applicable in this case. Lastly, it is submitted that the petitioners have no criminal antecedents.



5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, in Brahmpur PS Case No.353 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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