

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2773 of 2024

Arising Out of PS. Case No.-342 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

1. Ravishankar Yadav S/O Nandjee Yadav Village- Jadopur (YADOPUR), P.S.- Ara Mufassil, District- Bhojpur
2. Jayshree Shankar Yadav @ Somaru Yadav S/O Nandjee Yadav Village- Jadopur (YADOPUR) P.S. Ara Mufassil Distict- Bhojpur
3. Avinash Kumar @ Avinash Yadav @ Lallu Yadav @ Lalu Yadav S/O Surendra Yadav Village- Jadopur (YADOPUR) P.S. Ara Mufassil Distict- Bhojpur

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s	:	Mr. Diwakar, Advocate Mr. Shivam Kumar, Advocate Ms. Priya Kumari, Advocate Ms. Pragya Sinha, Advocate Mr. Deepak Kumar, Advocate Mr. Sudhakar Ranjan, Advocate Mr. Anuranjan Patel, Advocate Mr. Prashant Sharma, Advocate For the Opposite Party/s :
-----------------------	---	--

Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 31-01-2024 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 Ara Mufassil P.S. Case No. 342 of 2023, registered on 03.08.2023 for the offences under Sections 147, 148, 149, 323, 341, 307 and 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, variously armed, surrounded the informant while he was coming back to his house on his motorcycle along with his friend. The informant and his friend were assaulted by lathi and danda. Co-accused, Devesh @ Guddu opened fire on the informant, but the shot hit a passer-by. The occurrence took place in the background of dispute over grazing buffalo.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The occurrence is stated to have taken place on 02.08.2023 and the FIR was registered on 03.08.2023, after about 24 hours, for which there is no explanation. The allegations are mostly general and omnibus against the petitioners and other co-accused persons and there is no specific allegation of opening fire against these petitioners as the said allegation of opening fire is against co-accused Devesh Yadav @ Guddu Yadav. It is further submitted that the witnesses examined during investigation are all interested witnesses and due to previous dispute, the petitioners have been named in this case. The petitioners are having clean antecedent.



5. Learned APP opposes the submission made on behalf of the petitioners and submits that one person received firearm injury and injury was also found on the back side of the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication of the petitioners in the background of earlier dispute and also considering the fact that there is no specific allegation of opening fire against the petitioners, 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 ₹10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, -VII, Ara/concerned court in connection with Mufassil P.S. Case No. 342 of 2023, 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/-

U		T	
---	--	---	--

