

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13345 of 2025

Arising Out of PS. Case No.-70 Year-2004 Thana- GOGRI District- Khagaria

1. Kapildeo Yadav @ Wakil Yadav, aged about 71 years (Male), S/o- Late Bidur Yadav @ Dhaneshwar Yadav, R/O Village- Tauphir, P.S. Muffasil, Distt. Munger
2. Tiwari Yadav @ Tewari Yadav, aged about 65 years (Male), S/o- Late Tarni Yadav, R/O Village- Tauphir, P.S. Muffasil, Distt. Munger

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party	:	Mrs. Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-03-2025 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Sessions Trial No. 36 of 2010, arising out of Gogari (Maheshkhunt) P.S. Case No. 70 of 2004 dated 13.03.2004 registered for the offences punishable under Sections 147, 148, 149, 353, 307, 379, 364 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution case, on 13.03.2004 at about 1.00 P.M., the Chaukidar Raju Paswan and a large number of villagers of Patla Diyara informed that the villagers of Patla Diyara has planted Raincha crops in 100 acres of land and about



50 miscreants from the villages-Toffir Diyara, Temha Banni, Samaspur and English Banni came armed with firearms and forcibly harvested their Raincha crops. Accordingly, he informed the senior officers and arrived to the place of occurrence with other police forces and saw that about 50 miscreants are harvesting Raincha crops and many of them were riding horses. On seeing the police party, they started fleeing and the police party told them to stop firing but they did not stop. A cross-firing ensued. The Gogari Police, Maheshkhut Police and Beldour Police also arrived there with reinforcement. In the meantime, constable Angad Singh fired at one of the miscreants who fell down. The horse borne miscreants picked up the injured miscreants and retreated. The police party chased the miscreants and apprehended one of the miscreants, Ashok Yadav. It is further alleged that one minor boy, Gautam Kumar, was abducted by the miscreants. The apprehended miscreant Ashok Yadav and villagers named the petitioners and other accused persons alongwith 30 unknown.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is general and omnibus allegation against the petitioners. There is no specific



allegation against the petitioners. The names of the petitioners have surfaced in the present case on the basis of the confessional statement of the apprehended co-accused Ashok Yadav which has got no evidentiary value in the eye of law. The alleged occurrence took place in the district of Khagaria and the petitioners belong to Munger district and they were not aware of the present case. They have not surrendered earlier because they were living in Punjab for their livelihood. It is further submitted that the other co-accused persons, namely, Mohan Singh and Shalo Chaudhary have already been acquitted by the learned court below itself on 08.09.2015 passed in Sessions Trial No. 260 of 2008. It is further submitted that some of the co-accused persons have already been granted bail by the Hon'ble High Court and some of them were granted bail by the learned court below. The petitioner no. 1 is aged about 71 years and the petitioner no. 2 is aged about 65 years old. The petitioners have clean antecedent as stated in paragraph no. 3 of the bail petition. They are in custody in this case since 22.10.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioners,



above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-Vth, Khagaria in connection with Sessions Trial No. 36 of 2010, arising out of Gogari (Maheshkhunt) P.S. Case No. 70 of 2004 with further condition:-

(I) The petitioners are directed to 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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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