

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32410 of 2025

Arising Out of PS. Case No.-51 Year-2024 Thana- KIUL District- Lakhisarai

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1. Kedar Yadav S/O Late Ragho Yadav R/O Vill.- Nathudih, P.s.- Kiul, Dist.- Lakhisarai
 2. Vipin Kumar S/O Late Rameshwer Yadav R/O Vill.- Nathudih, P.s.- Kiul, Dist.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Bilochan
For the Opposite Party/s : Mr.Bhanu Pratap Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-05-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Kiul P.S. Case No. 51 of 2024 registered for the offences punishable under Sections 506/34 of the IPC and Section 25(1-b)a and 26 of Arms Act.

3. As per prosecution case, informant was present in *Shradh Karm* at village Khutukpur and he had reasonable apprehension that petitioners and other were also present there to kill him. It is alleged that when informant tried to flee away, petitioner and other started to follow him by two motorcycles. It is alleged that on raising alarm by the informant, petitioners and other fled away on one motorcycle with one rifle by giving threatening to the informant



that he would be killed at any time. It is alleged that one country made pistol was recovered from the motorcycle in question which was left by the accused persons. It is alleged that informant has earlier lodged two cases which is Kiul P.S. Case No. 121 of 2022 and Kiul P.S. Case No. 42 of 2024, as described in the FIR.

4. Learned counsel for the petitioners submits that petitioners are not the owner of the motorcycle from where one country made pistol was recovered. Petitioners have no concern with the recovered country made pistol. No incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel further submits that there is admitted land dispute between both the parties which is BLDR Case No. 71/2022-23 brought by the son of the petitioner no. 1 namely, Rajesh Yadav, in which learned court LRDC has directed both the parties to approach before competent civil court and in retaliation the present case has been lodged with malicious intention. A photo copy of the order dated 30.09.2023 passed in BLDR case No. 71/2022-23 is annexed as annexure-2 of the bail petition. Learned counsel further submits that in cases of land dispute facts are generally exaggerated to make the offence graver. It is further submitted that no case is made out against the petitioners under section 506 of the IPC and Section 25(1-b)a, and 26 of the Arms Act. Learned counsel further submits that petitioners are innocent and have committed no offence as alleged in the FIR and they falsely been implicated in this case. Petitioner no. 1



bears criminal antecedent of four cases and petitioner no. 2 bears criminal antecedent of one case and petitioners are on bail in all the cases. Learned counsel further submits that out of the four criminal antecedent of petitioner no.1, two cases have been lodged by the present informant itself. Learned counsel further submits that petitioners are not in any way connected with the alleged occurrence.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Kiul P.S. Case No. 51 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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