

In the Court of Addl. Sessions Judge, 1st, Khagaria.
Alauli P.S. 293/2021
Rohit Yadav & Anr. Versus State of Bihar.

20.01.2022

Bail petition filed on behalf of accused (1) Rohit Yadav (2) Dilip Yadav, remanded to judicial custody in this case on dated 17.11.2021 in connection with Alauli P.S. Case No. 293/21 u/ss. 341,323,504,506,324, 307,34 I.P.C. u/ss. 3(1)(r)(s) SC/ST Act is pressed by learned Lawyer for accused and it is submitted by learned Lawyer for accused that accused are innocent. They have been falsely implicated due to land dispute and grudge. It is counter case of Alauli P.S. case No. 292/21 lodged against Prashant Singh and others by Ganga Yadav, the father of petitioners. Accused were working at Bhopal on the day of occurrence. There is no injury. There is no criminal history. They are in jail for long time. They may be allowed bail.

Alibi paper with FIR copy has been referred by Id. Lawyer in support of submission.

Ld. Spl. P.P. opposed the prayer for bail.

Perused the record.

F.I.R. is u/ss. 341,323,504,506,324, 307,34 I.P.C. u/ss. 3(1)(r)(s) SC/ST Act. Allegation against accused petitioners Rohit Yadav and Dilip Yadav is that his father Ganga Yadav enquired about owner of the land from informant and asked that why without payment of extortion money house is being constructed and rupees two lacs extortion money has not been paid and he will be kidnapped today and in the meantime Prashant Kumar ^{Dur}~~Pr~~darshi came. Informant was engaged in building construction work of Prashant Kumar Durdarshi on dated 02.08.21 at ³²~~Har~~ipur market and occurrence was committed. Gangan Yadav assaulted by threecnut butt on the head of informant causing head injury and Raushan Yadav gave knife blow injury on nose causing bleeding injury. Accused took away

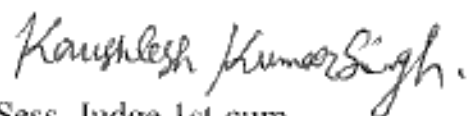
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(contd.)

informant and Prashant Kumar Durdarshi by kidnapping with intent to kill. On halla villagers started coming away and accused fled away and motorcycle of accused bearing Registration No. BR34Q2775 was left at the P.O. As per allegation in the FIR petitioners accused Rohit Yadav and Dilip Yadav are not assailants on specific terms and there is no criminal history against them and there is defence of alibi also. In case diary informant and some witnesses have supported the case. There is land dispute between the parties and I.O. has not recorded statement of owner of the land. There is land measurement dispute between the parties. There is case and counter case. Accused are in jail.

There is lacerated injury on occipital region and nose with bleeding injury of nose and as per FIR allegation petitioners are not the author of specific injury caused on the person of informant.

Considered facts and circumstances of the case, submissions of the parties and prayer of bail of accused (1) Rohit Yadav (2) Dilip Yadav is allowed and accused (1) Rohit Yadav (2) Dilip Yadav are directed to be released from judicial custody on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the court.



Addl. Sess. Judge 1st-cum
Spl. Judge SC/ST Act Khagaria