

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44641 of 2018

Arising Out of PS. Case No.-43 Year-2017 Thana- PARAIYA District- Gaya

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1. Jhunna Yadav, Son of Late Ramchandra Yadav,
 2. Dilip Yadav, Son of Lakhan Yadav,
 3. Ram Bali Yadav, Son of Lakhan Yadav
 4. Rajesh Yadav, Son of Late Rameshwar Yadav, All are Resident of Village-
Lodipur, Pokharpar, P.S.-Paraiya, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate.
For the Opposite Party/s : A.M.P. Mehta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

9 04-02-2019 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Paraiya P.S. Case No. 43 of 2017, registered under Sections
147, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal
Code.

The accusation is that, on 01.04.2017, at about 8
P.M., 19 persons named in the F.I.R. including the petitioners
surrounded Suresh Yadav while he was moving near the house
of villager, Rajesh Yadav and all started to assault him. On
raising alarm, when informant rushed to save his son then co-
accused, Munna Yadav, caused injury to informant through



Saval then informant fell down. Thereafter, villagers rushed there but accused persons succeeded to flee away. The cause of occurrence is due to land dispute in between informant and Rajesh Yadav (Petitioner no.4) and Munna Yadav.

Learned counsel for the petitioners submits that while petitioners are named in the F.I.R. but no specific overt act has been attributed against them. Further submission is that admittedly, there is land dispute in between informant's family and Rajesh Yadav (Petitioner no.4) and Munna Yadav due to that reason they have falsely been implicated in this case with false allegation. It is further submitted that while allegation has been made against petitioners and Laxman Yadav and Parmanand Yadav to cause injury to informant and his son but four injuries found on the person of the son of the informant, out of which, three injuries are simple in nature and one injury is swelling over right forearm, which is said to be grievous in nature. It is further submitted that co-accused, Laxman Yadav and Parmanand Yadav, have already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 05.04.2018 passed in Criminal Misc. No. 15631 of 2018. Further submission is that petitioner nos. 1, 2 and 3 have no criminal antecedent and so far as petitioner no. 4 is concerned,



Paraiya P.S. Case No. 41 of 2012 and Paraiya P.S. Case No. 43 of 2012 are pending against him, but in both case, he is on bail.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate Ist Class, Gaya, in connection with Paraiya P.S. Case No. 43 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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