

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17775 of 2020

Arising Out of P.S. Case No.-9 Year-2017 Thana- SIGAUDI District- Patna

1. JAI PRAKASH YADAV Son of Vijay Yadav Resident of Village- Masurchak, P.S.- Kalpa, District- Jehanabad.
2. Sudhir Yadav Son of Vijay Yadav Resident of Village- Masurchak, P.S.- Kalpa, District- Jehanabad.
3. Vijay Yadav Son of Baliram Yadav Resident of Village- Masurchak, P.S.- Kalpa, District- Jehanabad.
4. Lalu Yadav @ Lalu Kumar Son of Gorakh Yadav Resident of Village- Masurchak, P.S.- Kalpa, District- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Adv.

For the Opposite Party/s : Dr. Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-12-2020 Heard learned counsel for the petitioners and learned
APP for the State, through video conferencing.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Sigori P.S. Case No. 9 of 2017, registered for offence under sections 379, 354, 436 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is stated that the informant had gone to the house of the petitioner no. 3 along with *sarpanch* to settle the dispute with respect to partition



between them when the accused persons variously armed started to assault them. It is stated that petitioner nos.1, 2 and 3 with others came out with *lathi* and started to abuse them. Petitioner no.2 and Dhananjay Kumar assaulted the informant with a *lathi* while the petitioner no.4 and Ramadhar Yadav started to fire and assaulted the informant and others. It is further stated that the petitioner nos.2, 3 and Dhananjay Kumar took away the earrings of the informant's daughter-in-law. Thereafter they burnt the house of Kamlesh Yadav.

It is submitted by learned counsel for the petitioner that there is case and counter case between the parties. From perusal of the FIR it would transpire that both the parties are members of a joint family and the dispute between them related to partition. It is submitted that the allegations as levelled in the FIR have been exaggerated and final form has been submitted against Niranjay Yadav and Dhananjay Kumar, who are not only named in the FIR but allegations similar to the petitioners have been levelled against them. It is submitted that the correct version of the occurrence has been stated in the FIR of counter case lodged by the wife of petitioner no. 3 and a copy of the FIR has been brought on record as Annexure-2 to the petition. The petitioners have no criminal antecedent.



The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners together with the fact that both the parties belong to the same family, there being dispute over partition and case and counter case between the parties, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Sigori P.S. Case no. 9 of 2017, they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/ (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VII, Danapur, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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