

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24427 of 2020

Arising Out of PS. Case No.-157 Year-2019 Thana- GAMAHARIYA District- Madhepura

1. PHULENDRA YADAV S/o Nandelal Yadav Resident of Village- Chikni, Fulkha Ward No.6, P.S.- Gamharia, Distt- Madhepura
2. Santosh Yadav @ Santosh Kr. Yadav S/o Nandelal Yadav Resident of Village- Chikni, Fulkhaha Ward No.6, P.S.- Gamharia, Distt- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Advocate
For the informant	:	Mr. Ashok Kumar, Advocate
For the State	:	Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 09-12-2020 Heard Mr. Nafisuzzoha, learned counsel for the petitioners, Mr. Ashok Kumar, learned counsel for the informant and Mr. Pramod Kumar Pandey, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Gamharia P.S. Case No. 157 of 2019 registered for the offences punishable under Sections 149, 341, 323, 325, 337, 338, 354, 379, 448 and 504 of the Indian Penal Code 1860.

The allegation as per the First Information Report is that petitioner No. 1 assaulted the husband of the informant by means of bricks and petitioner No. 2 assaulted her brother-in-law (*Bhainsur*) by means of stone.



Learned counsel for the petitioners submits that both the parties are close agnates and there is land dispute between them. Learned counsel further submits that the injury caused to the husband of the informant has been found to be simple in nature whereas injury caused to the brother-in-law (*Bhainsur*) of the informant has been found to be grievous inasmuch his tooth has been found broken. Learned counsel also submits that there was free fight between the parties and by the side of the petitioners, Gamharia P.S. Case No. 156 of 2019 has been lodged against the informant and others which is prior in time to the present First Information Report.

Learned counsel for the informant vehemently opposes the prayer for anticipatory bail of the petitioners and submits that from perusal of the impugned order it would be evident that the injuries have been caused on the head of the victim which is grievous in nature.

On the other hand, learned counsel for the State referring to the case diary submits that brother-in-law (*Bhainsur*) of the informant has received grievous injury inasmuch as his tooth has been found broken and the witnesses have said that it was Nandlal Yadav who was throwing bricks from the roof top which caused injuries to many persons.



Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that both the parties are agnates and there is land dispute between them and the FIR lodged by the side of the petitioners is prior in time to the present First Information Report, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioners, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhepura, in connection with Gamharia P.S. Case No. 157 of 2019, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bails bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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