

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23023 of 2020

Arising Out of PS. Case No.-260 Year-2019 Thana- FATEHPUR District- Gaya

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1. SANTOSH KUMAR @ SANTOSH YADAV Son of Shiva Yadav Resident of Village - Koreya, P.S.- Fatehpur (Gurpa), District- Gaya
 2. Brajesh Kumar @ Brajesh Yadav Son of Shiva Yadav Resident of Village - Koreya, P.S.- Fatehpur (Gurpa), District- Gaya
 3. Rambrich Yadav Son of Devchand Yadav @ Tilakdhari Yadav Resident of Village - Koreya, P.S.- Fatehpur (Gurpa), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh
For the Opposite Party/s : Mr. Ram Naresh Roy

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 03-12-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through video conferencing.

This application, for grant of anticipatory bail, arises out of Fatehpur (Gurpi O.P.) Police Station Case No. 260 of 2019, registered for the offence punishable under Sections 341/323/324/307/379/504/506/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that while the informant was working in his field with his nephew, Santosh Kumar, the petitioners along with other accused persons, 8 in numbers, arrived there with



lathi, danda, khanti, garasa etc. and assaulted the informant, his nephew and his uncle, due to which they received serious injuries on their heads and other parts of the body.

Learned Counsel for the petitioners submits that both the parties are agnates and there is land dispute between the parties inasmuch as a title suit, bearing Title Suit No. 534 of 2018 is pending between the parties along with other cases under Section 144 of the Code of Criminal Procedure, 1973. He further submits that there is case and counter case inasmuch as Fatehpur Police Station Case No. 259 of 2019 has been lodged by the petitioner no. 1 against the informant and other family members. He further submits that the injuries caused to the injured persons on the vital parts of their bodies have been found to be simple in nature and the injuries sustained by them on non-vital parts of their bodies have been found to be grievous in nature.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that both the parties are agnates, there is land dispute between them and there is case and counter case also, I am inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, allowed.



Let the petitioners, above named, be released on bail, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 10th Additional Chief Judicial Magistrate, Gaya, in connection with Fatehpur (Gurpi O.P.) Police Station Case No. 260 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

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

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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