

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.36726 of 2020

Arising Out of PS. Case No.-113 Year-2020 Thana- LAKHISARAI District- Lakhisarai

1. SITARAM YADAV, SON OF LATE NAKAT YADAV, RESIDENT OF VILLAGE - MORMA, P.S. - AMHARA, DISTRICT - LAKHISARAI
2. RADHE YADAV, SON OF LATE NAKAT YADAV, RESIDENT OF VILLAGE - MORMA, P.S. - AMHARA, DISTRICT - LAKHISARAI
3. MANOJ YADAV, SON OF SITARAM YADAV, RESIDENT OF VILLAGE - MORMA, P.S. - AMHARA, DISTRICT - LAKHISARAI
4. RAJKUMAR @ RAJ KUMAR @ BIRANCHI YADAV, SON OF SITARAM YADAV, RESIDENT OF VILLAGE - MORMA, P.S. - AMHARA, DISTRICT - LAKHISARAI
5. DHANRAJ KUMAR @ DHANNU YADAV, SON OF SITARAM YADAV, RESIDENT OF VILLAGE - MORMA, P.S. - AMHARA, DISTRICT - LAKHISARAI
6. DILIP KUMAR @ MUNNU YADAV, SON OF RADHE YADAV, RESIDENT OF VILLAGE - MORMA, P.S. - AMHARA, DISTRICT - LAKHISARAI
... Petitioners

Versus

THE STATE OF BIHAR

... Opposite Party

Appearance :

For the Petitioners : Mr. Vijay Kumar, Adv.
For the Opposite Party : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 29-06-2021

As prayed for, through video conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide it's note, dated 18.12.2020, within four weeks of starting of the Court proceeding in physical mode properly.

Heard the parties through video conferencing.

The learned counsel for the petitioners seeks permission to withdraw this application, as petitioner no. 1, Sitaram Yadav, during the pendency of this application, has been taken into custody.

Prayer is allowed.

Accordingly, it stands **dismissed as withdrawn** in respect to petitioner no. 1, Sitaram Yadav.



The petitioners seek pre-arrest bail in connection with Lakhisarai (Amhara) P.S. Case No. 113 of 2020, registered under Sections 147, 148, 149, 323, 341 and 307 of the Indian Penal Code.

The accusation is that nine persons, named in the first information report, including petitioners 2 to 6, on 23.02.2020, were indulged in erecting the brick wall on disputed land situated near the house of the informant, Naresh Yadav, then, Naresh Yadav made protest on which all started to cause assault to him. At that time, Ramchandra Yadav gave khanti blow at his head in which he sustained injury and fell down, thereafter, all caused injury through lathi and stick.

Submission is that due to land dispute occurrence of marpeet took place in which petitioners' side also sustained injury, regarding which Lakhisarai (Amhara) P.S. Case No. 112 of 2020 was also instituted on 23.02.2020 on the basis of fardbeyan of co-accused, Sita Ram Yadav, for offence under Sections 147, 148, 149, 323, 307 of the Indian Penal Code and 27 of the Arms Act. More so, it would appear from the first information report that only specific allegation is against Ram Chandra Yadav to give khanti blow on the head of the investigation and there is general allegation against all the accused persons and all the injuries, as found on the person of the informant, are simple in nature caused by hard and blunt substance while it is



detailed that injury no. 1 is dangerous to life, which would appear from the injury report, at page 16 of the petition. Further, submission is that there are two cases against petitioner no. 2 (Radhe Yadav), petitioner no. 4 (Rajkumar @ Raj Kumar @ Biranchi Yadav) and petitioner no. 6 (Dilip Kumar @ Munnu Yadav), which were also instituted by the present informant, in which they are on bail.

Having regard to the facts and circumstances of the case, let Radhe Yadav (petitioner no. 2), Manoj Yadav (petitioner no. 3), Rajkumar @ Raj Kumar @ Biranchi Yadav (petitioner no. 4), Dhanraj Kumar @ Dhannu Yadav (petitioner no. 5) and Dilip Kumar @ Munnu Yadav (petitioner no. 6) in the event of arrest/surrender, within a period of four weeks from today, in connection with Lakhisarai (Amhara) P.S. Case No. 113 of 2020 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Lakhisarai, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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