

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36331 of 2020

Arising Out of PS. Case No.-45 Year-2020 Thana- FESHAR District- Aurangabad

1. Lauki Yadav Son of Kamta Yadav, Resident of Village Moula Nagar, P.S. Fesar, District-Aurangabad.
2. Dharendra Yadav Son of Kailash Yadav, Resident of Village Moula Nagar, P.S. Fesar, District-Aurangabad.
3. Jugal Yadav @ Jugal Kumar Son of Rajendra Yadav, Resident of Village Moula Nagar, P.S. Fesar, District-Aurangabad.
4. Bijendra Yadav Son of Mahichandra Yadav, Resident of Village Moula Nagar, P.S. Fesar, District-Aurangabad.
5. Sikandra Yadav Son of Kunwar Yadav, Resident of Village Moula Nagar, P.S. Fesar, District-Aurangabad.
6. Jogi Yadav Son of Late Balkeshwar Yadav, Resident of Village Moula Nagar, P.S. Fesar, District-Aurangabad.
7. Shipu Yadav Son of Arjun Yadav, Resident of Village Moula Nagar, P.S. Fesar, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 30-06-2021 Heard both sides through Video Conferencing.

Petitioners apprehend their arrest in Fesar P.S. Case
No.45 of 2020 registered under Sections 147, 149, 341, 323,
379, 307, 504 and 506 of the Indian Penal Code.

The informant alleged that when he went to his field,
he saw that the accused persons were ploughing his field. When
the informant objected, all the accused persons started abusing

the informant and assaulted him with stick, spear and gadasa. The informant got injuries. Birendra Yadav, Uday Yadav, Suryanath Yadav, Deepak Kumar and Jitendra Yadav came to save the informant but the accused persons also assaulted them with deadly weapons.

Learned counsel for the petitioners submits that there is a land dispute between the two sides. From the side of the petitioners, Fesar P.S. Case No.43 of 2020 was registered under Sections 147, 149, 341, 323, 504, 506 and 379 of the I.P.C. It is further submitted that all the accused persons are alleged to have assaulted the informant and five others but no specific allegation of assault is made against any of the accused persons. Out of six injured persons, two persons, namely, Motilal Yadav (informant) and Jitendra Yadav got grievous injuries. Motilal Yadav got two lacerated wounds on his head but both injuries are opined to be simple in nature. One lacerated wound was found on the left index finger of the informant, which is opined to be grievous in nature. Jitendra Yadav also got three injuries. One injury found on right ankle is opined to be grievous in nature. The other two injuries are opined to be simple in nature. It is submitted that both sides on account of land dispute entered into a mutual assault on each other. The grievous injuries are on non-vital part

of the body of the injured. From the side of the petitioners also many persons were injured but they have also got simple injuries. Save and except Sanjay Kumar, who got one grievous injury on account of fracture of hand. Therefore, the petitioners deserve anticipatory bail.

Learned A.P.P., however, opposed the prayer for anticipatory bail and submitted that two persons, namely, Motilal Yadav (informant) and Jitendra Yadav got grievous injuries; one on index finger and another on right ankle. Therefore, the petitioners do not deserve anticipatory bail.

Having considered the submissions of both sides and on perusal of the record, it appears that the case from the side of the petitioners is lodged earlier in point of time. On account of such dispute, both sides appear to have entered into a scuffle and mutual assault on each other in which both sides got injuries. The informant and Jitendra Yadav got injuries; one on index finger and another on right ankle, which are opined to be grievous in nature. Similarly, from other side, Sanjay Kumar also got grievous injury on account of fracture of hand.

Taking into consideration the facts aforesaid, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four

weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on 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 C.J.M., Aurangabad in connection with Fesar P.S. Case No.45 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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