

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1226 of 2021

Arising Out of PS. Case No.-147 Year-2020 Thana- SONO District- Jamui

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1. BAIJNATH YADAV S/O ARJUN YADAV R/O VILLAGE-SAKIN BOGAIYA, P.S-CHARKA PATHAR, DISTRICT- JAMUI
 2. LAKHAN YADAV S/O PANCHU YADAV R/O VILLAGE-SAKIN BOGAIYA, P.S-CHARKA PATHAR, DISTRICT- JAMUI
 3. HIRAMAN YADAV S/O LATE GOPAL YADAV R/O VILLAGE-SAKIN BOGAIYA, P.S-CHARKA PATHAR, DISTRICT- JAMUI
 4. DIWAKAR YADAV S/O SHYAM YADAV R/O VILLAGE-SAKIN BOGAIYA, P.S-CHARKA PATHAR, DISTRICT- JAMUI

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Brij Nandad Prasad
For the Opposite Party/s :	Mr.Pankaj Kumar Sinha
	Mr. Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 13-12-2021 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Sono (Charka Pathar) P.S. Case No. 147 of 2020 registered for the offences punishable under Sections 147, 148, 149, 448, 341, 323, 325, 308, 379, 504, 506 of the Indian Penal Code.

Learned counsel for the petitioner has submitted that



during pendency of this anticipatory bail petition, petitioner No. 3, Hiranman Yadav, has been arrested.

As such, the petition in respect of petitioner No. 3, Hiranman Yadav, is dismissed as withdrawn.

The informant Kailash Shah lodged an FIR mentioning therein that the disputed land mentioned in the FIR is in his possession. The FIR named accused persons were forcibly raising a hut on that land being variously armed. When the informant protested they abused and assaulted him and when the family members of the informant came to rescue him whereupon petitioner No. 4 inflicted shovel blow on the head of Pankaj Shah. Petitioner No. 2 inflicted rod blow on the head of Sanjay Shah.

Learned counsel for the petitioners has submitted that there is case and counter case. It is further submitted that the petitioner's side has also sustained injuries and petitioner No. 1 has sustained grievous injury as per paragraph-25 of the case diary of the counter case which is numbered as Sono P.S. Case No. 144 of 2020 and admittedly there is land dispute between the parties.

Learned APP for the State has opposed the prayer for bail of the petitioners. He has submitted that some injuries on



the injured persons are simple in nature and some are reserved for the opinion of doctor.

Considering the fact that both sides are injured and some injuries sustained by the informant side are simple in nature caused by hard and blunt substance, let the petitioner Nos. 1, 2 and 4 be released on bail in the event of their arrest or surrender within four weeks before the learned court below on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Jamui in connection with Sono (Charka Pathar) P.S. Case No. 147 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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