

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40959 of 2020

Arising Out of PS. Case No.-239 Year-2019 Thana- KHIJARSARAI District- Gaya

1. Gajendra Yadav @ Gajendra Kumar, Son of Ram Pravesh Yadav, Resident of Village- Surju Bigha, P.S.- Khizersarai, District- Gaya.
2. Ram Pravesh Yadav, Son of Late Budhan Yadav, Resident of Village- Surju Bigha, P.S.- Khizersarai, District- Gaya.
3. Ramashish Yadav, Son of Late Budhan Yadav, Resident of Village- Surju Bigha, P.S.- Khizersarai, District- Gaya.
4. Sahil Kumar @ Sahil Yadav @ Satil Yadav, Son of Late Arbind Yadav Resident of Village- Surju Bigha, P.S.- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, advocate.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Khizersarai P.S. Case No. 239 of 2019, registered under Sections 341, 323, 325, 308, 337, 338, 427, 428, 504 and 506/34 of the Indian Penal Code.



The accusation is that in the evening of 04.08.2019, informant, Karu Yadav, was at his door. At that time, his neighbours, Promod Yadav and Subodh Yadav came there having lathi and Khanti in their hand and Promod Yadav gave Khanti blow causing injury at his head whereas Subodh Yadav gave lathi blow causing fracture injury at his left hand. Thereafter, Rampravesh Yadav (petitioner no.2), Ramashish Yadav (petitioner no.3), Satil Yadav (petitioner no.4) and Gajendra Yadav (petitioner no.1) also came there and caused assault through fist and slaps. At that time, they also damaged the tiles of his house causing loss of Rs.10,000/-.

Learned counsel for the petitioners submits that while petitioners are named in the FIR but only allegation against the petitioners to cause injury to the informant through fist and slaps, in fact, occurrence of *Marpit* took place due to land dispute, in which, petitioners' side also sustained injury, regarding which, Khizersarai P.S. Case No. 231 of 2019 is also instituted on the basis of Fradbeyan of Pinki Devi, wife of co-accused, Promod Kumar against the informant of the present case and eight others.

Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya, in connection with Khizersarai P.S. Case No. 239 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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