

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.531 of 2021

Arising Out of PS. Case No.-137 Year-2020 Thana- BIHIA District- Bhojpur

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1. Bitesar Kumar Yadav @ Bitesar Yadav, Son of Late Moti Lal Yadav, Resident of Village - Belwaniya, P.S.- Bihiya, Distt.- Bhojpur at Ara.
 2. Amit Kumar Yadav @ Amit Yadav, Son of Late Moti Lal Yadav, Resident of Village - Belwaniya, P.S.- Bihiya, Distt.- Bhojpur at Ara.
 3. Hanuman Yadav, Son of Late Jagdhar Yadav, Resident of Village - Belwaniya, P.S.- Bihiya, Distt.- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate.
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-08-2021 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 Bihiya P.S. Case No. 137 of 2020, registered under Sections 341, 504, 323, 307, 379 and 506/34 of the Indian Penal Code.

The accusation is that on 30.04.2020, at about 11



A.M., Yogendra Yadav and Bhagwan Yadav set free the cattle of informant, Gujraj Yadav. from his land. When he made protest then they started to abuse and cause injury through lathi and danda, in which, he sustained injury at his head. At that time, Ganjesh Yadav, Biteshar Yadav (petitioner no.1), Amit Yadav (petitioner no.2), Hanuman Yadav (petitioner no.3) and Umesh Yadav also came there having lathi, danda and rod in their hands and started to abuse and cause assault to him. When his son Munna Yadav came to save him then his son was also assaulted by them through lathi, danda and rod. In the meantime, Bhagwan Yadav gave rod blow at his son, causing injury at his head and Biteshar Yadav (petitioner no.1) also snatched cash of Rs.7500/- from the pocket of his son.

Learned counsel for the petitioners submits that occurrence of *Marpit* took place due to land dispute, in which, petitioners' side also sustained injury, regarding which, Bihiya P.S. Case No. 138 of 2020 is also instituted by co-accused, Bhagwan Yadav against the informant of the present case and others. Further submission is that the injuries, as found on the person the informant and his son, are simple in nature. Further submission is that petitioners have no criminal antecedent.

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 Additional Chief Judicial Magistrate-12, Bhojpur at Ara, in connection with Bihiya P.S. Case No. 137 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

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