

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9717 of 2021

Arising Out of PS. Case No.-80 Year-2020 Thana- CHAUTHAM District- Khagaria

1. Lalita Devi, Wife of Shyam Sundar Yadav
 2. Rinku Devi, Wife of Mantun Yadav
 3. Shyam Sundar Yadav, Son of Biro Yadav
 4. Chandra Kumar Yadav, Son of Biro Yadav
 5. Lalan Yadav Son of Jogi Yadav
 6. Sako Yadav @ Sikendra Yadav, Son of Rajo Yadav
 7. Kishore Yadav, Son of Kapileshwar Yadav
 8. Satish Yadav, Son of Kapileshwar Yadav
 9. Bipin Yadav, Son of Sako Yadav
 10. Mantun Yadav, Son of Upendra Yadav
 11. Sanjay Yadav, Son of Shankar Yadav
 12. Rajan Devi, Wife of Mohan Yadav
- All resident of Village- Sonbarsa, P.S.- Chautham, District - Khagaria.
... .. Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-12-2021 Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Chautham P.S. Case No. 80 of 2020, G.R. No. 988/2020 registered for the offences punishable under Sections 147, 149, 341, 323, 307, 504, 506 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.



Learned counsel for the petitioners submits that the alleged occurrence has taken place on account of harvesting of wheat crops by the petitioners' side which was being opposed by the informant's side.

Learned counsel submits that both the parties seem to have entered into a free fight on account of the admitted land dispute. The petitioners' side has also filed a counter case being Chautham P.S. Case No. 81/2020 and the said case has been lodged by petitioner no. 5.

Learned counsel further submits that the injury reported to the informant is only pain and swelling and one lacerated wound on the occipital region which is simple in nature. The said injury has been attributed to the Shyam Sunder Yadav (petitioner no. 3).

In course of argument, learned counsel for the petitioners submits that he would not press this application on behalf of petitioner no. 3 and would seek liberty to surrender and pray for regular bail in the learned court below.

Learned A.P.P. for the State has though opposed the prayer for pre-arrest bail of the rest of the petitioners, in the given facts and circumstances where there is no specific allegation against them and the nature of dispute is an admitted



land dispute between the parties in which both sides have lodged case against each other, this Court directs that in the event of their arrest or surrender within a period of four weeks from today, let the petitioners above-named, except petitioner no. 3 (Shyam Sundar Yadav) be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Chautham P.S. Case No. 80 of 2020, G.R. No. 988/2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

So far as petitioner no. 3 namely, Shyam Sundar Yadav is concerned, in case he surrenders and prays for regular within four weeks from today, the learned court below shall



consider his prayer for bail with utmost urgency and keeping in view the nature of disputes.

This application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

