

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.21541 of 2021**

Arising Out of PS. Case No.-73 Year-2020 Thana- BAUNSI District- Banka

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1. Mannu Yadav, aged about 45 years, Son of Jagdeo Yadav
  2. Pramukh Yadav, male, aged about 44 years, Son of Ayodi Yadav
  3. Tuntun Yadav, male, aged about 40 years, Son of Ayodi Yadav
  4. Kundan Yadav, male, aged about 35 years, Son of Ayodi Yadav
- All are Resident of Village- Kushbadiya, Police Station- Baunsi, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Swapnil Kumar Singh, Adv.  
For the Opposite Party/s : Mr. APP

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      26-05-2022                      Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Baunsi P.S. Case No. 73 of 2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 325 and 307 of the Indian Penal Code.

The petitioners are alleged to have taken part in



the assault leaving one person injured, whose injury has been opined to be grievous in nature.

The learned counsel for the petitioners has pointed out that according to the accusation, while the informant and his associates were extracting earth from the land belonging to the informant, the petitioners forcibly tried to forbid him from doing so. On protest, an occurrence took place in which the informant has received injuries.

As opposed to the aforesaid averment made by the informant in the subject F.I.R., the counsel for the petitioners has submitted that there is a counter version of the occurrence in which it has been explained that the land does not belong to the informant and the informant along with his associates had tried to extract earth from the said land unauthorizedly. This had led to an scuffle between the parties over which, from the side of the petitioners, a case *vide* Baunsi P.S. Case No. 72 of 2020 was registered for investigation. In the aforesaid clash, four persons from the side of the petitioners have received grievous injuries.

Though, it has been urged, the opinion regarding



the injuries suffered by the informant has been opined to be grievous, but from looking at the dimensions of the injuries, it would appear that such assessment of the nature of injuries incorrect.

Regard being had to the facts afore-stated, especially taking into account the counter version of the occurrence and that four persons from the side of the petitioners have been grievously injured, the petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka- in connection with Baunsi P.S. Case No. 73 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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