

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25273 of 2021**

Arising Out of PS. Case No.-166 Year-2020 Thana- FATEHPUR District- Gaya

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1. DEOLAL YADAV @ DEVLAL YADAV S/O LATE BABULAL YADAV  
RESIDENT OF DUNDU, P.S FATEPUR, DISTRICT-GAYA
  2. MUKLESH YADAV @ MITHLESH YADAV @ MUKLESH KUMAR S/O  
DEOLAL YADAV @ DEVLAL YADAV RESIDENT OF DUNDU, P.S  
FATEPUR, DISTRICT-GAYA
  3. SUNITA DEVI W/O DEOLAL YADAV @ DEVLAL YADAV RESIDENT  
OF DUNDU, P.S FATEPUR, DISTRICT-GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Nikhil Singh, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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

2      25-05-2022                      Heard Mr. Nikhil Singh, learned Advocate for the  
petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest  
in connection with Fatehpur P.S. Case No. 166 of 2020 dated  
18.07.2020 instituted for the offences under Sections 341, 323,  
324, 308, 379, 504 and 34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the  
informant and one Nageshwar, both of whom have received  
injuries. The informant has received an injury on his head but  
the nature of such injury could not be ascertained for want of  
further medical investigation. So far as Nageshwar, another



victim, is concerned, the injuries on him have been found to be simple in nature.

The learned counsel for the petitioners has submitted that petitioner no. 1 and the informant are own brothers, who are fighting over family property. There is a counter version of the occurrence also, in which case the petitioner no. 1 has received injuries, though simple in nature.

It has further been submitted by Mr. Nikhil Singh, learned Advocate, that the court below has gone on presumption that the injury on Nageshwar could be fatal as it is on the parietal region. The injury on Nageshwar has clearly been opined to be simple in nature even though on a vital portion of his body.

The learned counsel for the petitioners therefore reiterates that in a case of this kind, where there are accusation and counter accusation and the dispute is primarily with respect to apportionment of family property, there is every likelihood of the allegations being overtly exaggerated. From the sequence of events, it has been argued, there does not appear to be any intention of the petitioners to cause any grievous injury to anyone of the victims.

Considering the background facts viz. the parties



coming from the same stock of family and there being a dispute *inter se* with respect to apportionment of family property, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum 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 10<sup>th</sup> Gaya in connection with Fatehpur P.S. Case No. 166 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Ashutosh Kumar, J)**

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