

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19822 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- KURTHA District- Jehanabad

1. GANESH YADAV @ GANESH PRASAD Son of Sandhu Yadav Resident of Village - Kurtha Bala, P.S. - Kurtha, Dist.- Arwal.
2. Bhushan Yadav Son of Raj Nandu Yadav Resident of Village - Kurtha Bala, P.S. - Kurtha, Dist.- Arwal.
3. Chandan Kumar Son of Ganesh Yadav Resident of Village - Kurtha Bala, P.S. - Kurtha, Dist.- Arwal.
4. Ram Vinay Yadav Son of Musa Yadav Resident of Village - Kurtha Bala, P.S. - Kurtha, Dist.- Arwal.
5. Bhorik Yadav Son of Late Ram Equabal Yadav Resident of Village - Kurtha Bala, P.S. - Kurtha, Dist.- Arwal.
6. Madhesh Yadav @ Chini Yadav @ Madheshwar Yadav Son of Late Nandu Yadav Resident of Village - Kurtha Bala, P.S. - Kurtha, Dist.- Arwal.
7. Santosh Kumar @ Santosh Yadav Son of Madhesh Yadav @ Chini Yadav @ Madheshwar Yadav Resident of Village - Kurtha Bala, P.S. - Kurtha, Dist.- Arwal.
8. Niraj Kumar Son of Triloki Nath Ray Resident of Village - Kurtha Bala, P.S. - Kurtha, Dist.- Arwal.
9. Dhiraj Kumar Son of Triloki Nath Ray Resident of Village - Kurtha Bala, P.S. - Kurtha, Dist.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31766 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- KURTHA District- Jehanabad

1. AWADHESH YADAV S/o Late Nandu Yadav Resident of Village- Kurtha, P.S.- Kurtha, District- Jehanabad.
2. PURUSHOTTAM KUMAR @ SONU YADAV S/o Subhashchandra Bos Resident of Village- Kurtha Bela, P.S.- Kurtha, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :



(In CRIMINAL MISCELLANEOUS No. 19822 of 2022)

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate

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

Mr. Purushottam Sharma, Advocate

(In CRIMINAL MISCELLANEOUS No. 31766 of 2022)

For the Petitioner/s : Mr. Dhaneshwar Vashist, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

Mr. Purushottam Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 18-10-2022 **CRIMINAL MISCELLANEOUS No.19822 of 2022**

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 308, 379 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner nos. 8 and 9 have antecedent of one case and rest of the petitioners are persons with clean antecedent and the informant alleges that on 05.11.2021 at 10:15 am, when he along with his family member was making a barn on his land, Ganesh Yadav (petitioner no.1) objected, to which the informant opposed and thereafter the present occurrence took place in which sixteen accused, including the petitioners, arrived at the place of occurrence at 11:15 am and on orders of petitioner no.1, the accused persons, including the petitioners, assaulted the informant and his family members as detailed in the FIR.

Learned counsel for the petitioners submits that the



petitioners and the informant are related and are also having land dispute, it is next submitted that the injuries suffered by the injured are simple in nature, it is also submitted that opinion which was reserved with respect to two of the injured had also come and their injuries are also simple in nature.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that the injuries are simple and it is difficult to allege with such precision, when so many accused had come to commit the occurrence, that who was carrying which weapon and who assaulted whom.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kurtha P.S. Case No. 172 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



CRIMINAL MISCELLANEOUS No. 31766 of 2022

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The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 308, 379 and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioner no.2 has antecedent of three cases and petitioner no.1 is a person with clean antecedent and the informant alleges that on 05.11.2021 at 10:15 am, when he along with his family member was making a barn on his land, Ganesh Yadav objected, to which the informant opposed and thereafter the present occurrence took place in which sixteen accused, including the petitioners, arrived at the place of occurrence at 11:15 am and on orders of Ganesh Yadav, the accused persons, including the petitioners, assaulted the informant and his family members as detailed in the FIR.

Learned counsel for the petitioners submits that the petitioners and the informant are related and are also having land dispute, it is next submitted that the injuries suffered by the injured are simple in nature, it is also submitted that opinion which was reserved with respect to two of the injured had also



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Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet the submissions of the learned counsel for the petitioners that the injuries are simple and it is difficult to allege with such precision, when so many accused had come to commit the occurrence, that who was carrying which weapon and who assaulted whom.

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(Satyavrat Verma, J)

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