

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24505 of 2022**

Arising Out of PS. Case No.-171 Year-2021 Thana- KURTHA District- Jehanabad

1. BALIRAM YADAV @ BALIRAM KUMAR NIRALA Son of Ramnandan Yadav
2. Sudhir Kumar Son of Ramratan Yadav
3. Vikash Kumar Nirala Son of Vindeshwari Yadav
All are Resident of Village - Kurtha, Khem Karan Sarai, P.S. - Kurtha,
District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Purushotam Sharma, Advocate
For the Opposite Party/s : Ms. Anita Kumari, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 07-11-2022 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 323, 324, 308, 379, 354, 452, 504 and 506 of the Indian
Penal Code.

Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of one case and petitioners no. 2
and 3 are persons with clean antecedent.

The informant alleges that on account of dispute



relating to land, the petitioners along with co-accused persons and 10-15 unknown criminals came and Ramakant Kumar and petitioner no. 2 snatched Mangalsutra of Sangita Devi, Bindeshwari Yadav assaulted Dhiraj Kumar with butt of the pistol causing injury on the head, Jawahar Yadav also assaulted on the head of Dhiraj Kumar with Khanti. Further, petitioner no. 1 assaulted on the head of Dhiraj Kumar with Gandasa causing injury on the head, Om Prakash assaulted Bhorik Yadav with an iron rod causing injury on the head and leg. Petitioner no. 3 snatched Jitiya from Sugni Devi and also assaulted her by lathi on waist and also misbehaved with her. It is further alleged that Jai Prakash assaulted by Khanti on the chest of Bhorik Yadav causing injury. Sanju Devi and Samanti Devi snatched Mangalsutra from Shiv Kumari Devi while Rajmanti Devi and Rakesh Kumar looted Rs.12,000/- and jewellery from the house of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the entire occurrence took place on account of land dispute. It is next submitted that from the side of the petitioners Kurtha P.S. Case No. 172 of 2021 was



instituted and people from the side of the petitioners also got injured. It is also submitted that as far as allegation against the petitioners no. 2 and 3 is concerned, the same is ornamental in nature. It is further submitted that though there is allegation of assault against petitioner no. 1 of assaulting Dhiraj Kumar with Gandasa causing injury on the head but Dhiraj Kumar was also assaulted by Bindeshwari Yadav and Jawahar Yadav.

Learned A.P.P. for the State and the informant opposed the prayer for anticipatory bail of the petitioners and submits that as far as petitioner no. 1 is concerned, he is alleged to have assaulted Dhiraj Kumar by Gandasa causing injury on the head and there is absolutely no plea in the anticipatory bail application.

At this stage, learned counsel for the petitioners submits that Dhiraj Kumar has not suffered any injury.

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.20,000/- (Rupees Twenty 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. 171 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and the learned trial court before accepting the bail bonds of the petitioner no. 1 shall verify whether Dhiraj Kumar suffered any injury or not. In the event, if Dhiraj Kumar suffered any kind of injury, even simple in nature, then the present anticipatory bail order shall not be acted upon with respect to petitioner no. 1 only.

(Satyavrat Verma, J)

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