

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70724 of 2021

Arising Out of PS. Case No.-168 Year-2021 Thana- CHHATAPUR District- Supaul

1. SHAMBHU YADAV Son of Shivan Yadav Resident of Village - Daharia, P.S.- Chhatapur, District - Supaul
2. Kailu Yadav Son of Shivan Yadav Resident of Village - Daharia, P.S.- Chhatapur, District - Supaul
3. Andu Yadav @ Indu Yadav @ Indra Bhushan Yadav Son of Choudhary Yadav Resident of Village - Daharia, P.S.- Chhatapur, District - Supaul
4. Mannu Yadav Son of Sajjan Yadav Resident of Village - Daharia, P.S.- Chhatapur, District - Supaul
5. Shyamdev Yadav Son of Sajjan Yadav Resident of Village - Daharia, P.S.- Chhatapur, District - Supaul
6. Dharendra Yadav @ Dhiren Yadav Son of Sajjan Yadav Resident of Village - Daharia, P.S.- Chhatapur, District - Supaul

... .. petitioners/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the petitioners/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 01-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehends their arrest in a case registered for the offences punishable under Sections 147, 148, 447, 448, 323, 325, 326, 307, 379, 385 504, 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant



alleges that on 07.06.2021 at about 7:00 PM, he was sitting at his door when 15 accused persons, including the petitioners, along with some unknown female arrived variously armed and started construction on the disputed land which was objected on which it is alleged that petitioner no.1 along with four others assaulted son of the informant's brother with dabiya, farsa and iron rod and who in the process of saving himself received injury on his left hand finger and got severely injured and fell down, thereafter petitioner no.2, petitioner no.5, petitioner no.1 and two other accused assaulted informant's brother with their weapon which led to cut on his head and also received injuries on his shoulder and fell unconscious, thereafter it is alleged that petitioner no.3 and petitioner no.4, along with petitioner no.1 and four others started assaulting and Surendra Yadav shot fired on the informant's nephew(Ajay) and thereafter petitioner no.6, petitioner no.4, petitioner nos.2 and 3 along with other accused assaulted informant's other nephew(Prince) with kicks, fists and lathi injuring him.

Learned counsel for the petitioners submits that from bare perusal of allegation as alleged in the FIR, it would manifest that the occurrence took place on account of dispute relating to land, it is next submitted that it absolutely does not



stand to reason that when the occurrence of such magnitude takes place then how informant with such precision has alleged that which of the accused assaulted which of the injured and by what arms, it is next submitted that four persons suffered injury out of which injury of two persons is simple and injury of Nitish and one injury of Ramesh is found to be grievous, it is next alleged that the injury of Nitish found to be grievous is on the little finger of the left hand which is non-vital part of the body and of Ramesh the injury which has been found grievous is on the shoulder which again is on the non-vital part of the body which amply demonstrates that there was no intention of part of the petitioners to commit a serious occurrence.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

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 trial court 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 trial court where the case is pending/successor court in connection with



Chhatapur P.S. Case No. 168 of 2021 subject to the conditions
as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the learned trial court come to
a conclusion that petitioners after obtaining bail are trying to
delay the trial in any manner the learned trial court shall
forthwith cancel their bail bond after recording.

(Satyavrat Verma, J)

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