

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1540 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- MATIYARIA District- West Champaran

1. AMRENDRA YADAV @ AMRENDRA PRASAD YADAV Son of Ram Narayan Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
2. Abhayanand Prasad Yadav @ Abhynand Yadav S/o Ram Narayan Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
3. Satyendra Yadav @ Satyendra Prasad Yadav Son of Ramdhari Prasad Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
4. Ramashankar Yadav Son of Late Nawal Rawat R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
5. Jhagru Giri Son of Late Mohan Giri R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
6. Allauddin Miyan @ Allauddin Nat Son of Late Dedar Nat R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
7. Vinod Yadav Son of Late Dasai Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
8. Dhurendra Yadav @ Ghurendra Yadav Son of Yogendra Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
9. Lalbabu Yadav Son of Late Sughar Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
10. Baijnath Yadav Son of Mohit Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
11. Karbhullah Nat @ Karbhullah Miyan Son of Late Didar Nat R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
12. Baccha Yadav Son of Lalbabu Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
13. Vishwanath Yadav S/o Late Ram Krishna Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
14. Sharma Yadav Son of Chandrika Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.
15. Ranjit Yadav @ Ranjit Kumar Son of Sharma Yadav R/o Village- Sherpur, Baithia Tola, P.S.- Matiyaria, District- West Champaran Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :



For the Petitioner/s : Ms.Aprajita, Advocate
: Mr.Animesh Kumar, Advocate
For the Opposite Party/s : Mr.Arun Kumar Singh, APP
For the Informant : Mr.Bimlesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 12-07-2022 By order dated 18.05.2022, the prayer for anticipatory bail with respect to petitioner no. 5 was dismissed as withdrawn.

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

Learned counsel for the petitioners, at the outset, seeks permission to withdraw the present anticipatory bail application with respect to petitioner nos. 2 and 8 as they have been arrested during pendency of the present anticipatory bail application.

Permission is accorded.

The petitioner nos. 1, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14 and 15 apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325, 447, 385, 386, 307, 504 and 506 of the Indian Penal Code.

Learned counsel for the informant, at the outset, raises an objection that the petitioners have concealed there criminal antecedents.

Learned counsel for the petitioners rebuts the



submission of the learned counsel for the informant and submits that the criminal antecedent of the petitioners as recorded at paragraph '3' is based on instruction.

The informant alleges that he was going for plantation on his field when all of a sudden 16 named accused persons, including the petitioner, came variously armed and tried to stop the informant from doing plantation on the field, the same was objected by the informant on which the petitioner retaliated by saying that when in the year 2008 superior officers had given their decision in their favour then why the informant is coming on their land and doing plantation. Thereafter Amrendra Yadav ordered to kill the informant and accordingly it is alleged that the accused persons, including the petitioners, assaulted the informant and his relatives as detailed in the F.I.R..

Learned counsel for the petitioners submits that from perusal of the allegations it would manifest that in the occurrence three persons from the side of the informant received injuries, learned counsel draws the attention of the Court to Annexure-4 to the anticipatory bail application to submit that the injuries received by Ajay Yadav and Rudal Yadav are found to be simple whereas Prasad Yadav has two injuries of swelling and bruises over right side of back and swelling and tenderness



over back of neck and the opinion with respect to Prasad Yadav has been reserved.

Learned counsel for the petitioner further submits that in the F.I.R. the informant alleges that on account of assault, Prasad Yadav became disabled, it is next submitted that the injury report of Prasad Yadav negates the allegation as alleged in the F.I.R. as swelling, bruises and tenderness in no way can be described as injuries which would make a person disabled, it is further submitted that the present occurrence took place on account of a land dispute as would manifest from the allegation as alleged in the F.I.R. itself.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners and the learned counsel for the informant relies on order dated 08.06.2022 passed in Cr. Misc. No. 8795 of 2022 (Balchand Yadav and Ors. Vs. The State of Bihar) to submit that all the accused persons in the F.I.R., instituted from the side of the present petitioners, have been denied bail who have antecedent and against whom the allegations are general and omnibus in nature have been granted the privilege of anticipatory bail, it is next submitted that in the present case, all the petitioners have criminal antecedents as such their



anticipatory bail application be rejected.

Learned counsel for the petitioners rebuts the submissions of the learned counsel for the informant and submits that petitioner no.1 is an Assistant Professor in Chandigarh University and he had come to his home during the lockdown when all the cases against him came to be instituted, learned counsel further submits that petitioner no. 1 being an Assistant Professor was implicated in several cases from the side of the informant in order to ensure that his service career also gets jeopardised. Learned counsel further submits that the antecedents of the petitioners as recorded at paragraph '3' of the anticipatory bail application are cases which have been instituted from the side of the informant on account of land dispute.

Considering the submissions made by the learned counsel for the petitioners, the petitioner nos. 1, 3, 4, 6, 7, 9, 10, 11, 12, 13, 14 and 15, 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 Matiyarai P.S. Case No. 56 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned court below before accepting the bail bonds of the petitioners shall verify their criminal antecedents and in the event, if it is found that the petitioners had concealed their criminal antecedents then the present order will not be acted upon.

Learned counsel for the petitioners is directed to hand over a copy of the anticipatory bail application to the learned counsel for the informant.

(Satyavrat Verma, J)

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