

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8559 of 2023

Arising Out of PS. Case No.-18 Year-2020 Thana- MAIGRA District- Gaya

1. AJAY YADAV SON OF SHANKAR YADAV R/O VILL.- RAMCHAK, P.S.- MAIGRA, DISTT.- GAYA
2. VIJAY YADAV SON OF SHANKAR YADAV R/O VILL.- RAMCHAK, P.S.- MAIGRA, DISTT.- GAYA
3. RAJ KUMAR YADAV SON OF LATE CHANDRA YADAV R/O VILL.- RAMCHAK, P.S.- MAIGRA, DISTT.- GAYA
4. YADU YADAV SON OF SHANKAR YADAV R/O VILL.- RAMCHAK, P.S.- MAIGRA, DISTT.- GAYA
5. PARVATI DEVI WIFE OF YADU YADAV R/O VILL.- RAMCHAK, P.S.- MAIGRA, DISTT.- GAYA
6. TETRI DEVI WIFE OF RAJ KUMAR YADAV R/O VILL.- RAMCHAK, P.S.- MAIGRA, DISTT.- GAYA
7. MAMTA DEVI WIFE OF VIJAY YADAV R/O VILL.- RAMCHAK, P.S.- MAIGRA, DISTT.- GAYA
8. CHANO DEVI WIFE OF AJAY YADAV R/O VILL.- RAMCHAK, P.S.- MAIGRA, DISTT.- GAYA
9. SUHANI DEVI WIFE OF SHANKAR YADAV R/O VILL.- RAMCHAK, P.S.- MAIGRA, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan
For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-05-2023 At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 4, however, seeks liberty on his behalf to enable him to surrender before the learned Court below and seek regular bail. Liberty, so sought, is granted.



The present petition stands dismissed as not pressed qua the petitioner no. 4.

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

This is an application for grant of anticipatory bail in connection with Maigra P.S. Case No. 18 of 2020, registered for the offence punishable under Sections 147, 149, 341, 323, 308, 379, 354, 325, 504 and 506 of the Indian Penal Code.

The case of the prosecution, in brief, is that on account of land dispute, the accused persons including the petitioners herein, variously armed, are stated to have arrived at the alleged place of occurrence on the alleged date and time of occurrence, whereafter they are alleged to have assaulted the informant and his family members, resulting in them sustaining injuries.

The learned counsel for the petitioners no. 1 to 3 and 5 to 9 submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners no. 1 to 3 and 5 to 9 has further submitted that except the petitioner no. 4, no allegation of any sort of specific overt act has been levelled against the rest of the petitioners, by the informant and a general and omnibus allegation has only been levelled, hence,



the privilege of anticipatory bail be granted to the petitioners no. 1 to 3 and 5 to 9.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners no. 1 to 3 and 5 to 9, taking into account the materials available on record, this Court finds that as far as the petitioners no. 1 to 3 and 5 to 9 are concerned, there is no allegation of them having engaged in any sort of overt act, apart from the fact that they are having a clean antecedent, hence, I deem it fit and proper to admit the petitioners no. 1 to 3 and 5 to 9 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 1 to 3 and 5 to 9 are directed to be enlarged on anticipatory 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 furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati, District-Gaya, in connection with Maigra P.S. Case No. 18 of 2020, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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