

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29186 of 2023

Arising Out of PS. Case No.-246 Year-2022 Thana- BAHADURPUR District- Darbhanga

1. Ganga Prasad Yadav Son Of Jogi Yadav Resident Of Village- Gaighati, Ps- Bahadurpur (PATOR Op), Distt- Darbhanga
2. Gopal Yadav Son Jaibir Yadav Resident Of Village- Gaighati, Ps- Bahadurpur (PATOR Op), Distt- Darbhanga
3. Sanjay Yadav Son Of Ka Yadav Resident Of Village- Gaighati, Ps- Bahadurpur (PATOR Op), Distt- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Bali Jha, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. Let the defect(s), if any, as pointed out by the office,
be removed within a period of four weeks from today.

03. In the present case, the petitioners are apprehending
their arrest in connection with Bahadurpur P.S. Case No. 246 of
2022, registered on 06.06.2022, for the alleged offence under
Sections 341, 323, 324, 379, 354(B), 504, 506/34 of the Indian
Penal Code.

04. As per prosecution case, in the background of some
land dispute, the petitioners and other co-accused persons armed
with *lathi*, *danda*, iron rod, *bhala* (spear) and *kudal* (spade) came

to the land of the informant and assaulted him, his son, his nephew and his mother. The allegation against the petitioner No.1 is that he caught hold of the nephew of the informant and other two petitioners assaulted him. Further allegation against the petitioners and other co-accused persons is that they tore the clothes of the informant's mother and co-accused Surti Devi snatched *mangalsutra* of the mother of the informant.

05. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegations are mostly general and omnibus and no allegation of any offence under Section 379 and 354(B) of the IPC is specific against the petitioners. There is no allegation of carrying any sharp weapon or causing any grievous injury against the petitioners. Admittedly, there is land dispute between the parties. The informant has concocted a number of cases against the petitioners and his opponent. As a matter of fact, the mother of the petitioner-Sanjay Yadav was killed by informant and others, for which, Bahadurpur P.S. Case No. 529 of 2020 was instituted under Section 302 of the IPC against the members of prosecution party and some of which were still in custody in that case. The present case has been lodged in order to pressurize the petitioners' side.

06. Learned A.P.P. for the State opposes the prayer for anticipatory bail submitting that it has come in the rejection order

of the anticipatory bail of the petitioner that the petitioners- Sanjay Yadav and Gopal Yadav assaulted the nephew of the informant and five injuries were found on his person including one on parietal region. However, the learned APP could not enlighten the Court about nature of injuries.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the general and non-specific nature of allegation against the petitioners, except for causing some injuries to the nephew of the informant shorn off any details about use of any weapon in his assault and further considering the case and counter case between the parties, background of land dispute and probability of false implication, let the petitioners, above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub Division Judicial Magistrate/concerned court, Darbhanga in connection with Bahadurpur P.S. Case No. 246 of 2022 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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