

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25732 of 2023

Arising Out of PS. Case No.-153 Year-2022 Thana- WAJIRGANJ District- Gaya

1. Ajay Yadav @ Ajay Kumar, Son of Kameshwar Yadav @ Kameshwar Prasad R/V- Mundipur, PS- Wazirganj, Dist- Gaya
2. Rekha Devi Wife of Ajay Yadav R/V- Mundipur, PS- Wazirganj, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arya Achint, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-07-2023 Heard Mr. Arya Achint, learned counsel appearing on behalf of the petitioners and Mr. Jagdhar Prasad, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Wazirganj P.S. Case No. 153 of 2022, registered under Sections 341, 323, 325, 308 and 504/34 of the Indian Penal Code.

The prosecution case, in brief, is that the informant has planted wheat crops and her partner and his family members have started to thrust wheat crops after cutting from the field and when the informant protested then Ajay Yadav and his family members started to assault her then anyhow she escaped from there and reached her house then accused Ajay



Yadav and his family members entered in her house and started to assault her and her family members and on hulla her elder son came to save her thye he was brutally assaulted by the accused along with other co-accused.

Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1 is an Ex-army man and petitioner no.2 is his wife. He further submits that the occurrence took place due to land dispute and in self-defence the petitioners may have caused some injury to the informant and her son. Although, the injuries which has been sustained by the victims, are grievous in nature, but in want of any specific allegation made by the informant, who is the eye-witness, that it is petitioners who have caused grievous injury on the person of the informant and her son. The petitioner has clean antecedent.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

Having heard both the sides and the material available on the record as well as considering the fact that there is case and counter case between the parties in which the petitioners, in self-defence, may have caused injury, which is not intentional, the petitioners have made out a case to be released on bail.



Let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st , Gaya in connection with Wazirganj P.S. Case No. 153 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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