

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33320 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- BALIYA District- Begusarai

1. GUJO YADAV Son of Wakil Yadav Resident of village - Nooruzzamapur, P.S. - Ballia, Distt. - Begusarai
2. Seizure Yadav @ Gajendra Yadav @ Ssezir Yadav @ Sisar Yadav Son of Ishwar Yadav @ Rameshwar Yadav Resident of village - Nooruzzamapur, P.S. - Ballia, Distt. - Begusarai
3. Ram Sharan Yadav Son of Ameen Yadav Resident of village - Nooruzzamapur, P.S. - Ballia, Distt. - Begusarai
4. Md. Irshad @ Issue @ Choudhary @ Md. Irshad Alam Son of Md. Kalam @ Choudhary @ Kalam Resident of village - Chhoti Ballia upper Tola, P.S. - Ballia, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-07-2023 Heard Mr. Bipin Kumar learned counsel appearing on behalf of the petitioners and Mr. Sanjay Kumar Tiwary, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Ballia P.S. Case No. 44 of 2023, dated 08.02.2023, registered under Sections 341, 323, 324, 504, 379/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 02.02.2023 at 11.00 A.M the informant and his friend Amar Kumar, Md. Mahteab were talking near Mathurapur Colony in the mean



while Guja Yadav, Seesir Ram Sharan Yadav, Md. Irshad and other seven unidentified came armed with lathi danda rods they asked abusing them to evacuate the Dera. On objection made by his friends. Seesir Yadav assaulted Amar Kumar with iron rod on his head and Md. Mahtab made protest, Ram Sharan Yadav assaulted him with danda on his head. All of them assaulted Sohan Goswami with danda, Gujo Yadav took away a purse from informant's pocket containing Aadhar Card, Pan card and cash amount of Rs. 1700/- from Md. Mahtab, Seesir Yadav snatched mobile set of Md. Mahtab and Amar Kumar damaged it. All of them damaged one motorcycle, chairs kept on the dera.

4. Learned counsel appearing on behalf of the petitioners submits that there is general and omnibus allegation made against the petitioners. Although, they are named in the F.I.R. being agnates and Title Suit No. 73 of 2022 is pending between the parties. He further submits that injury, which has been sustained is simple in nature. However, with respect to injury, he has not made any averment in the bail application.

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

6. Considering the nature of allegation made in the F.I.R. as well as the fact that present F.I.R. has been lodged due



to long standing dispute between the parties and in this regard Title Suit No. 73 of 2022 is pending in the competent Civil Court , 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 C.J.M., Begusarai in connection with Ballia P.S. Case No. 44 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph no. 3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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