

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36014 of 2023

Arising Out of PS. Case No.-72 Year-2023 Thana- KUMAR KHAND District- Madhepura

1. Bidyanand Yadav S/O Kamleshwari Yadav R/O Village- Agadh Tola, Ward No. 06, Israinejkala, P.S- Kumarkhand, Distt.- Madhepura.
2. Ravindra Yadav @ Ravindra Kumar Yadav @ Ravendra Yadav S/O Bidyanand Yadav R/O Village- Agadh Tola, Ward No. 06, Israinejkala, P.S- Kumarkhand, Distt.- Madhepura.
3. Jai Prakash Yadav S/O Anirudh Yadav R/O Village- Agadh Tola, Ward No. 06, Israinejkala, P.S- Kumarkhand, Distt.- Madhepura.
4. Arvind Yadav @ Arvind Kumar Amar S/O Bidyanand Yadav R/O Village- Agadh Tola, Ward No. 06, Israinejkala, P.S- Kumarkhand, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Uday Chand Prasad, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioners apprehend their arrest in connection
with Kumarkhand P.S. Case No. 72 of 2023 registered for the
offences punishable under Sections 147, 341, 323, 324, 307,
354-B and 504 of the Indian Penal Code.

3. It is alleged that while the informant along with her
husband was sitting at their door, in the meanwhile, all the
accused persons including the petitioner variously armed came



there and started abusing. On protest being made, they assaulted the informant over his head. When the informant came to save her husband she was also assaulted by the accused persons. It is also alleged that the accused persons also assaulted the other family members.

4. Learned counsel appearing on behalf of the petitioner submits that even as per the narration of the F.I.R., no specific allegation has been attributed against the petitioners moreover, this case is nothing but a counterblast to Kumarkhand P.S. Case No. 71 of 2023 instituted by cousin of the petitioner no. 2 against the informant's husband and others wherein one of the person of the petitioner's side was done to death. Further submission has been made that the petitioners are *gotias* and there is admitted land dispute resulting into a free fight between the parties, wherein the persons of both the side have sustained injuries and in fact one of the person of petitioner's side succumbed to the injuries as stated above. He next submits that so far as the injuries are concerned, that has not been attributed specifically to the petitioners, apart from the fact that the petitioners are men of fair antecedent. While concluding his submission, he lastly submits that the occurrence is said to have taken place on 28.02.2023 but the F.I.R. has been registered



after the delay of five days on 05.03.2023 and no plausible explanation has been given.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that the opinion of the injuries are still kept reserve and all the F.I.R. named accused persons including the petitioner brutally assaulted the informant and his family members.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R. and the fact that prior to the institution of this case there had already been an F.I.R. instituted by one of the family members of petitioners coupled with their fair antecedent, 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 bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate – IInd, Madhepura in connection with Kumarkhand P.S. Case No. 72 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close



family members of the petitioner.

(Harish Kumar, J)

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