

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49958 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- BELHAR District- Banka

1. DOMAN YADAV Son of Late Kamal Yadav Resident of Village - Sarsanda, P.s.- Belhar, Distt.- Banka.
2. Rambalak Yadav Son of Late Kamal Yadav Resident of Village - Sarsanda, P.s.- Belhar, Distt.- Banka.
3. Siyaram Yadav Son of Late Kamal Yadav Resident of Village - Sarsanda, P.s.- Belhar, Distt.- Banka.
4. Lakhnan Yadav Son of Late Kamal Yadav Resident of Village - Sarsanda, P.s.- Belhar, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Ranjan Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP
For the Informant	:	Mr. Chandan Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2023 Heard Mr. Ranjan Kumar Jha, learned counsel for the petitioner, Mr. Chandan Kumar Singh, learned counsel for the informant and Mr. Gauri Shankar Gupta, learned APP for the State.

The petitioners apprehend their arrest in connection with Belhar P.S. Case No. 205 of 2022 for the offence registered under Sections 341, 323, 324, 325, 307, 504 and 506/34 of the Indian Penal Code.

As per the prosecution story, the allegation in the FIR is that the informant alleged that when his family members were



going over his land which is sold, the accused persons armed variously came and after abusing them, assaulted the informant's brother. In the process accusation is that petitioner no. 1, Doman Yadav gave iron rod blow on his head while petitioner no. 3, Siyaram Yadav gave iron rod blow which hit the chest of the informant's brother. Further allegation is that when his friend, Dinesh Yadav came to rescue, he too was assaulted by the other accused persons. Hence, the FIR was lodged.

Learned counsel for the petitioner submits that petitioner no. 3, Siyaram Yadav had purchased the land on which informant were the aggressor and when the petitioner's side tried to lodge FIR, due to influence, the police chose not to lodge the same following which complaint is filed. Learned counsel further taken the Court's attention to the injuries to show that save and except the injury fractured in Metacarpal (in the hand), there is no other injury which can be recorded to be grievous.

It is further submitted that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner (s) on its own would like to contribute towards the



medical assistance of Rs. 30,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials

Learned APP, for the State, on the other hand, opposes the prayer for bail and submits that so far as petitioner nos. 1 and 3 are concerned, there is direct allegation of assault against them.

Taking into account the aforesaid facts, so far as petitioner nos. 1 & 3 namely, Doman Yadav and Siyaram Yadav are concerned, their prayer for anticipatory bail stands rejected.

So far as petitioner nos. 2 and 4, namely, Rambalak Yadav and Lakhan Yadav are concerned, in view of the fact that omnibus allegations are there against them, they are ready to co-operate in the investigation and ultimately they have to face the trial, this Court is inclined to grant them the privilege of anticipatory bail subject to payment of Rs. 30,000/- as stated above.

Let the petitioner no. 2 & 4, namely, Rambalak Yadav and Lakhan Yadav in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs.



10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 205 of 2022subject to condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner nos. 1 and 3 are concerned, if they surrender before the Concerned court within a period of four weeks from today, the Court shall take up the matter and dispose it of at an earliest without being prejudiced by any of the observation made by this Court.

(Rajiv Roy, J)

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