

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55418 of 2023

Arising Out of PS. Case No.-418 Year-2022 Thana- BISFI District- Madhubani

1. Ram Nandan Yadav @ Raman Yadav Son Of Chalitar Yadav Resident Of Village- Khairi Baka, P.S.- Aunshi OP (Bisfi), Distt- Madhubani
2. Sahdev Yadav Son Of Jaybeer Yadav Resident Of Village- Khairi Baka, P.S.- Aunshi OP (Bisfi), Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Ravi Prakash, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bisfi (Aushi) P.S. Case No. 418 of 2022, registered for the offences punishable under Sections 341, 323, 324, 325, 147, 149, 354 (B), 307, 427, 504 and 506 of the Indian Penal Code.

3. Allegedly, on account of a land dispute all the FIR named accused persons, including the petitioners, surrounded the house of the informant and started abusing. It is further alleged that on the exhortation made by the accused 'Ram



Udgar Yadav', the accused persons and the petitioner no. 2 assaulted the informant, due to which he sustained fracture injury. So far the petitioner no. 1 is concerned, there is no specific allegation of any over act.

4. Learned counsel appearing on behalf of the petitioners submits that from the narrations made in the FIR, it is evident that the genesis of the occurrence is a land dispute, which resulted into lodging of the case and counter case bearing Bisfi (Aushi) P.S. Case No. 417 of 2022 instituted by co-accused 'Ram Udgar Yadav' against the informant and others, which is earlier in point of time. He next submits that the occurrence took place on 27.11.2022 but the FIR has instituted on 03.12.2022, after a delay of six days. He also submits that on account of free fight, the persons of both the sides have sustained several injuries, however, the prosecution has failed to explain the injury sustained to the persons of the petitioners side. He lastly submits that the petitioners have fair antecedent and they undertake that they will not indulge in such type of crime in future and will co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that persons



of informants side have sustained grievous injury.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against 36 named accused persons and the FIR has been instituted belatedly in the premise of land dispute, coupled with the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1st - Benipatti, Madhubani in connection with Bisfi (Aushi) P.S. Case No. 418 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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