

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62491 of 2022

Arising Out of PS. Case No.-41 Year-2021 Thana- MAIGRA District- Gaya

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1. Sahdeo Yadav S/O Anant Yadav Resident Of Village- Harni Tand, P.S.- Maigra, District- Gaya
 2. Podina Yadav @ Umesh Yadav @ Umesh S/O Anant Yadav Resident Of Village- Harni Tand, P.S.- Maigra, District- Gaya
 3. Surendra Yadav @ Bhagat Yadav @ Bhagat S/O Udit Yadav Resident Of Village- Harni Tand, P.S.- Maigra, District- Gaya
 4. Bhadul Yadav @Madul Yadav @ Indradeo Yadav S/O Udit Yadav Resident Of Village- Harni Tand, P.S.- Maigra, District- Gaya
 5. Mahendra Yadav S/O Rajendra Yadav Resident Of Village- Harni Tand, P.S.- Maigra, District- Gaya
 6. Phunan Yadav @ Rajendra Yadav S/O Kailash Yadav Resident Of Village- Purwaridih, Ghana Kothi, P.S.- Maigra, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Anil Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-05-2023 Heard Mr. Krishna Prasad Singh, learned senior counsel along with Mr. Anil Kumar Sinha, learned counsel appearing on behalf of the petitioners and Mr. Kumar Veerendra Narayan, learned APP for the State.

2. At the outset, learned senior counsel appearing on behalf of the petitioners submitted that petitioner nos. 2 and 4 have been arrested during the pendency of the present bail application and as such the prayer for bail on their behalf has become infructuous.

3. The petitioner nos. 1, 3, 5 and 6 seek pre-arrest bail in connection with Maigra P.S. Case No. 41 of 2021 registered



for the offence punishable under Sections 147, 148, 149, 341, 323, 354, 307 and 379 of the IPC and Section 27 of the Arms Act.

4. Prosecution story, in brief, is that all of a sudden the petitioners along with other accused persons had assembled and started assaulting the informant and his party.

5. Learned senior counsel appearing on behalf of the petitioner nos. 1, 3, 5 and 6 submitted that allegation against the petitioner nos. 1, 3, 5 and 6 is general and omnibus. There is case and counter case between the parties arising out of the same incident which has taken place on 25.11.2021. There is admitted land dispute between the parties. He further submitted that in course of the said quarrel, the petitioner nos. 1, 3, 5 and 6, in their self defence may have caused injury without intention.

6. Mr. Kumar Veerendra Narayan, learned A.P.P. for the State submitted that multiple injuries have been sustained on the body of the informant and his side, however, no specific allegation has been made in the FIR against the petitioner nos. 1, 3, 5 and 6.

7. Having heard the rival submission of the parties and on perusal of the FIR it appears that there was admitted land



dispute between the parties. The parties had entered into fierce fight and in course of the said incidence, both the parties had assaulted each other and in their self defence, they may have caused some injuries to the other side. There is admitted case and counter-case between the parties out of the said incidence. The injuries which have been sustained by the members of the informant side cannot be held to be attributable only to these petitioners, who are before this Court rather it is admitted that allegation is general and omnibus against them. I am of the opinion that petitioner nos. 1, 3, 5 and 6 have *prima facie* made out a case to be released on bail.

8. The petitioner nos. 1, 3, 5 and 6, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Sherghati (Gaya) in connection with Maigra P.S. Case No. 41 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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