

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62928 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- ASHTHAWAN District- Nalanda

1. Raja Yadav S/O Ram Ashish Yadav R/O Vill - Rajawa, P.S. - Asthawa, Distt. - Nalanda
2. Mohi Yadav Son of Shiv Yadav R/o vill - Rajawa, P.S. - Asthawa, Distt. - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, APP
For the Informant	:	Mr. Akhilesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-10-2023 At the outset, learned counsel for the petitioners seeks permission to make necessary correction in paragraph no. 7 of the bail application.

2. The permission is accorded.

3. Necessary correction must be made in course of the day.

4. Heard Mr. Pankaj Kumar, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State. The informant is represented by Mr. Akhilesh Kumar.

5. The petitioners apprehend their arrest in connection with Asthawan P.S. Case No. 107 of 2023, registered for the



offences punishable under Sections 147, 148, 149, 341, 323, 307, 354, 379, 342, 506 of the Indian Penal Code and 27 of the Arms Act.

6. Allegedly all the F.I.R. named accused persons came to the house of the informant and threatened them to compromise the case earlier instituted by the informant. When the same was protested, all the accused persons assaulted them due to which three persons have sustained injuries. It is specifically alleged that co-accused Jitendra Yadav assaulted one Nagendra Yadav, due to which he sustained injury, thereupon Dharmendra Yadav fired from his pistol, due to which Subodh sustained fire arm injury on his stomach. It is also alleged that Sunnu Yadav and Raja Yadav have also assaulted Nagendra Yadav. There is further allegation of snatching of valuables against Lorik Yadav.

7. It is submitted on behalf of the petitioners that so far the petitioner no. 1 is concerned, though it is specifically alleged that he assaulted Nagendra Yadav, but there is no injury report on record suggesting that he has sustained any injury. He further submits that so far the petitioner no. 2 is concerned, in the entire F.I.R. there is no specific allegation of any over act against him. He further submits that there is a counter version of



the present case being Asthawan P.S. Case No. 108 of 2023, instituted by the member of the petitioners' side whose *fardebyan* was recorded in the Emergency ward of Sadar Hospital Biharsarif, Nalanda. In fact on the alleged date of occurrence on account of the earlier dispute, a free fight has been taken place resulting into injuries to the persons of both the sides. However, the prosecution case has failed to explain the injuries sustained to the persons of the petitioners. He next submitted that though both the petitioners are named in two other criminal cases, however, they are on bail in both the cases. He lastly submits that specific allegation has been attributed against Jitendra Yadav and Dharmendra Yadav.

8. On the other hand, learned counsel for the State as well as informant vehemently opposes the bail application and submits that from the F.I.R., it is evident that petitioners are aggressor who went to the house of the informant and threatened to withdraw the earlier case, and thereupon brutally assaulted and also fired, due to which one of the persons has sustained fire arm injury.

9. Regard being had to the submissions made on behalf of the parties and considering the nature of allegations against the petitioner and moreover there is no injury found over



the person of Nagendra Yadav, which is attributed to petitioner no. 1, coupled with the case and counter case, let the petitioners abovenamed be released on bail, in the event of his 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 Judicial Magistrate 1st class Nalanda in connection with Asthawan P.S. Case No. 107 of 2023, 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 petitioner.

10. It is made clear that in case the petitioners would be found indulged in the similar kind of activities in future, the State shall at liberty to file an application for cancellation.

(Harish Kumar, J)

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