

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63776 of 2023

Arising Out of PS. Case No.-331 Year-2017 Thana- TEKARI District- Gaya

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1. HIRALAL YADAV S/o- LATE MANILAL YADAV Village- Sowal Tola Bishunpur Ps- Tekari Dist- Gaya
 2. Kundan Kumar Yadav @ Kundan Yadav @ Kundan Kumar son of Hiralal Yadav Village- Sowal Tola Bishunpur Ps- Tekari Dist- Gaya
 3. Ramashis Yadav son of Kishundeo Yadav Village- Sowal Tola Bishunpur Ps- Tekari Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Soni Kumari
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-10-2023

1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Tekari PS Case No. 331 of 2017 dated 17-08-2017 registered under Sections 341 / 323 / 354 / 337 / 504 / 307 / 34 of the I.P.C.

3. As per the F.I.R. while the informant was returning back on 17-08-2017 to her house and reached near Pachmahla School the petitioner no. 1 started abusing her and told her that she would not be allowed to teach in the School and would be kidnapped by him. When she returned to her home and narrated entire incident to her husband, the husband of the informant



went to the house of Hiralal Yadav where he was assaulted by him with the help of bricks, stones, lathi etc. due to which he sustained injury on his head and upon hearing the noise when the informant went to save her husband, the petitioner no. 1- Hiralal Yadav along with two other accused persons assaulted the informant also. The reason for the occurrence has been said to be land dispute.

4. Learned counsel for the petitioners submits that upon perusal of the F.I.R. it would be evident that there is land dispute between the parties. He next submits that there is case and counter case also inasmuch Tekari PS Case No. 330 of 2017 has been lodged by the petitioner no. 1 against the informant, her husband and other family members. He next submits that FIR lodged by the petitioner no. 1 is prior in time to the present FIR. The petitioner no. 1 in his FIR has also given the reason for the occurrence as land dispute. Learned counsel further submits that charge sheet has not been submitted and no steps were taken by the Police for arrest of the petitioners, however, now the petitioners have got apprehension of arrest, therefore, the present anticipatory bail application has been filed.

5. Regard being had to the submission made by the parties, taking into consideration the fact that occurrence has



taken place due to land dispute and the injury report has not been brought on record by the prosecution despite lapse of so many years, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 20000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M. VI, Gaya / court concerned in connection with Tekari PS Case No. 331 of 2017 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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