

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61723 of 2023

Arising Out of PS. Case No.-92 Year-2023 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. Wakil Yadav @ Wakil Kumar Son Of Muso Yadav Resident Of Village-
Chamarbigha, Ps- Shekhopur Sarai, Distt- Sheikhpura
 2. Dularchand Yadav @ Shiv Shankar Yadav Son Of Muso Yadav Resident Of
Village- Chamarbigha, Ps- Shekhopur Sarai, Distt- Sheikhpura
 3. Muso Yadav Son Of Late Hari Yadav Resident Of Village- Chamarbigha, Ps-
Shekhopur Sarai, Distt- Sheikhpura

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed. Rizwanul Haque, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 16-10-2023 Heard Mr. Syed Rizwanul Haque, learned counsel

appearing on behalf of the petitioners and learned Additional

Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Shekhopur Sarai P.S. Case No. 92 of 2023, registered for
the offences punishable under Sections 341, 323, 324, 307, 504
and 325/34 of the Indian Penal Code.

3. Allegedly while the informant went to his field, he
found that petitioner No. 2 Dularchand Yadav was indulged in
cutting the soil of his field by J.C.B, adjacent to the agriculture



field of the informant. On request being made by the informant not to damage boundary, all the petitioners started abusing and threatened with dire consequences. When the informant protested, the petitioners assaulted the informant by means of *rod, lathi* and *danda*, due to which he sustained fracture injury. Having seen the occurrence when Bengu Yadav came in his rescue, the petitioners also assaulted him with *gada*, causing injury on his back side of the head.

4. Learned counsel appearing on behalf of the petitioners submits that admittedly the occurrence took place on account of a land dispute between the parties, that apart, there is a case and counter case being Shekopur Sarai P.S. Case No. 93 of 2023 lodged by the wife of the petitioner no. 3. He further submits that the petitioner no. 1 and 2 are the sons of petitioner no. 3, who is aged about 72 years, suffering from various ailments and his disability certificate has also been marked as Annexure-3. He next submitted that in fact the injury is the result of free fight which took place between the persons of both the sides and some of the injuries have also been sustained to the petitioners. He also drew the attention of this Court to the injury reports brought on record by way of Annexure-4 series, with reference thereto, he submits that though the informant has



sustained two grievous injuries but the same has been inflicted on the wrist and the shoulder of the informant but it has not been specifically stated that who attributed those injuries. He lastly submits that the petitioners have also made accused earlier in Complaint Case No. 7 of 2018, on which they are on bail.

5. On the other hand, learned counsel for the State vehemently opposes the bail application and submits that all the petitioners have brutally assaulted the informant resulting into grievous injuries and as such they do not deserve the anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the occurrence took place on 09.05.2023, and the F.I.R. has been instituted on 14.05.2023, after delay of five days, apart from the omnibus allegation and the case and counter case, in the backdrop of a land dispute, 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 C.J.M., Sheikhpura in connection with Shekhopur Sarai P.S. Case No.



92 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 petitioners.

(Harish Kumar, J)

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