

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63917 of 2023

Arising Out of PS. Case No.-315 Year-2023 Thana- KAUWAKOL District- Nawada

1. Shivdani Yadav S/O Jhaman Yadav R/O Village- Lohsindhani, P.S-
Kauwakol, Distt.- Nawada.
2. Upendra Yadav S/O Jhaman Yadav R/O Village- Lohsindhani, P.S-
Kauwakol, Distt.- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shailendra Kumar, Advocate
For the Opposite Party/s	:	Mrs. Pushpa Sinha, APP
For the Informant	:	Mr. Vibhuti Ranjan Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioners and the learned APP for the State assisted by learned counsel for the informant.

2. The petitioners are apprehending their arrest in connection with Kauwakol P.S. case No. 315/2023 registered for the offence punishable under Sections 147, 341, 323, 307, 504, 506/34 of the Indian Penal Code.

3. The prosecution alleges that the prosecution side as well as the accused persons, at different points of time, started construction of their houses which was objected by both parties. The same has led to assault by the accused persons including the petitioners.



4. The learned counsel for the petitioners submits that the F.I.R. itself reveals that both parties were on hostile terms with relation to some construction activity being undertaken by them. This property dispute led to altercation wherein both sides have sustained injuries. Injuries sustained by accused persons is Annexure-P/3 series. The injuries sustained by the prosecution party is Annexure-P/4 series. The report with respect to the informant and Srikant Yadav shows that there is no grievous injury.

5. Learned APP for the State and learned counsel for the informant has opposed the prayer for pre-arrest bail. They submit that the opinion of Srikant Yadav's injury has been kept reserved.

6. Considering the rival submissions, perusal of the injury report/(s) of both parties, and the nature of allegations levelled in the F.I.R., this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail of the petitioners is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail 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, Nawada, in connection with Kauwakol P.S. case No. 315 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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