

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67659 of 2023

Arising Out of PS. Case No.-91 Year-2020 Thana- TRIVENIGANJ District- Supaul

1. Fulendra Yadav, S/O Satto Yadav, R/O Village- Karminiya, Ward No. 5, P.S- Trivenganj, Distt.- Supaul.
2. Satto Yadav, S/O Late Khusilal Yadav, R/O Village- Karminiya, Ward No. 5, P.S- Trivenganj, Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Mr. Ashok Kumar, learned counsel appearing on behalf of the petitioners and Mr. Ram Priya Sharan Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Triveniganj P.S. Case No. 91 of 2020, registered for the offences punishable under Sections 341, 323, 325, 307, 379 and 34 of the Indian Penal Code.

3. Allegedly, while the informant and others were in the field, in the meantime, all the accused persons including the petitioners came there and started assaulting. It is specifically alleged that the petitioner Fulendra Yadav assaulted the informant by means of farsa over his head, whereas petitioner



no. 2, Satto Yadav assaulted him on his back and shoulder by means of spade. Both the petitioners also assaulted the informant's son, namely, Prem Shankar by means of farsa and spade also.

4. It is submitted on behalf of the petitioner that though the occurrence which is said to have taken place on 14.04.2020, the present F.I.R. has been instituted on 20.04.2020 and, moreover, the injuries, allegedly sustained to all the three persons, are simple in nature, save and except one, the opinion of which is still kept reserved. He further submits that there is a counter version of the present case being Triveniganj P.S. Case No. 96 of 2020 filed by the wife of the petitioner no. 2. He next submits that earlier also the petitioner no. 1 had filed Triveniganj P.S. Case No. 128 of 2019 against the father of the informant and others and admittedly there is a land dispute between the parties.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that specific allegation of assault has been leveled against the petitioners that they assaulted the informant and their son.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the



F.I.R. and the case and counter-case, apart from the nature of injuries, coupled with their fair antecedent, let the petitioners above named be released on bail, in the event of their 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 Additional Chief Judicial Magistrate I, Supaul in connection with Triveniganj P.S. Case No. 91 of 2020, 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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