

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69818 of 2023

Arising Out of PS. Case No.-616 Year-2023 Thana- MAJHAULIA District- West Champaran

1. Deepak Yadav Son Of Sri Bhairo Yadav Resident Of Village - Chailabhar, Ward No.06, P.S. - Majhaulia, District - West Champaran
2. Deepu Yadav Son Of Sri Bhairo Yadav Resident Of Village - Chailabhar, Ward No.06, P.S. - Majhaulia, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate Mr. Sharad Kumar Verma, Advocate Mr. Ujjawal Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Umesh Chandra Verma, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Majhaulia P.S. Case No. 616 of 2023, registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504/34 of the Indian Penal Code.

3. Allegedly, while the Bhairo Yadav along with his family members were planting trees in the land of the informant, a protest was made, whereupon, Deepu Yadav (petitioner no. 2) assaulted the informant's brother 'Nandlal yadav', over his head by means of spade. When the informant came to save his



brother Nandlal Yadav, Deepak Yadav caught hold of him from behind and co-accused Bhairo Yadav assaulted the informant by means of farsa, causing injury over his head. Further allegation has been levelled that the petitioner no. 1 (Deepak Yadav) also snatched Rs. 2,000/- from the pocket of the informant.

4. Learned counsel appearing on behalf of the petitioners submits that from the FIR it is evident that both the parties are close neighbours and in fact agnates and are at loggerheads bickering over land dispute, moreover, on account of the aforementioned land dispute, a scuffle took place between the persons of both the sides, which resulted into injuries to some of the persons, however, from the impugned order though the learned Court below made discussion of the injury sustained to the informant and his brother, but surprisingly the nature of injury has not been disclosed which, *prima facie*, suggest that the injuries are simple in nature. That apart, the petitioners are men of fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that specific allegation has been levelled against the petitioners that they assaulted the informant and his brother.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the parties are agnates and there is an admitted land dispute, coupled with the fact that though there is a discussion with regard to the injuries, but the nature of the injuries have not been disclosed and the petitioners are having 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 Chief Judicial Magistrate, West Champaran at Bettiah in connection with Majhaulia P.S. Case No. 616 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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