

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72883 of 2022

Arising Out of PS. Case No.-4 Year-2021 Thana- SAUR BAZAR District- Saharsa

1. Kuldip Yadav, Son Of Late Saryug Yadav R/O Village And Post- Chandaaur, Tola Musharania, Ward No.06, P.S.- Saurbazar, District- Saharasa
2. Ram Bahadur Yadav @ Bahadur Yadav, Son Of Late Saryug Yadav R/O Village And Post- Chandaaur, Tola Musharania, Ward No.06, P.S.- Saurbazar, District- Saharasa
3. Ranjit Yadav @ Ranjit Kumar, Son Of Kuldip Yadav R/O Village And Post- Chandaaur, Tola Musharania, Ward No.06, P.S.- Saurbazar, District- Saharasa
4. Dinesh Yadav, Son Of Late Bhogi Lal Yadav R/O Village And Post- Chandaaur, Tola Musharania, Ward No.06, P.S.- Saurbazar, District- Saharasa
5. Ganesh Yadav @ Ganesh Kumar Yadav @ Ganesh Kumar, Son Of Late Bhogi Lal Yadav R/O Village And Post- Chandaaur, Tola Musharania, Ward No.06, P.S.- Saurbazar, District- Saharasa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Heard Mr. Harendra Kumar Tiwary, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Saurbazar P.S. Case No. 04 of 2021, registered for the offences punishable under Sections 341, 323, 307, 354, 379, 504, 506/34 of the Indian Penal Code.



The prosecution case is based on the written report of the informant alleging therein that all the accused persons, including the petitioners, variously armed came at the door of the informant and started abusing and assaulting the informant. When other family members of the informant came to his rescue, they were also assaulted by the accused persons. Further allegation has been levelled that the accused persons also tried to outrage the modesty of the wife of the informant and also took away Rs. 45,000/- along with valuables worth Rs. 55,000/- from the possession of the informant.

It is submitted on behalf of the petitioners that admittedly there is a land dispute between the parties resulting into filing of Title Suit No. 434 of 2020 and during the course of investigation some of the accused persons mentioned in the FIR, have not been sent up for trial. It is also submitted that the story of theft has been found to be untrue, apart from the fact that there is counter version of the case being Saurbazar P.S. Case No. 8 of 2021. It is next submitted that in fact on account of land dispute, a free-fight has taken place between both the parties due to which the persons of both the sides have sustained injuries, however, the prosecution has failed to explain the injuries sustained on the person of the petitioners' side. So far



the injuries are concerned, all the injuries have been found to be simple in nature, except few of them, opinion of which is reserved till date. He lastly submits that other co-accused persons having identical allegation have been allowed the privilege of anticipatory bail by learned co-ordinate Bench of this Court in Cr. Misc. No. 31624 of 2022 and Cr. Misc. No. 5692 of 2023 *vide* order dated 22.11.2022 and 10.04.2023 respectively.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the case and counter case, coupled with the fact that other co-accused persons having more or less identical allegation have been allowed the privilege of anticipatory bail and the petitioners having fair antecedent, 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, the abovenamed petitioners be released on bail 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, Saharsa in connection with Saurbazar P.S. Case No.



04 of 2021, subject to the conditions laid down in Section
438(2) Cr.P.C.

(Harish Kumar, J)

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