

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74263 of 2023

Arising Out of PS. Case No.-325 Year-2023 Thana- UDWANTNAGAR District- Bhojpur

1. MAHENDRA YADAV SON OF LATE SUKHLAL YADAV R/O VILLAGE- KARISATH, P.S.- UDWANT NAGAR (GAJRAJGANJ), DIST.- BHOJPUR
2. RAJ KUMAR SON OF DIP NARAYAN YADAV @ BAHADUR YADAV R/O VILLAGE- KARISATH, P.S.- UDWANT NAGAR (GAJRAJGANJ), DIST.- BHOJPUR
3. BRIJESH YADAV @ BRAJESH YADAV SON OF RAMESHWAR YADAV R/O VILLAGE- KARISATH, P.S.- UDWANT NAGAR (GAJRAJGANJ), DIST.- BHOJPUR
4. SAT PAL YADAV @ SATPAL KUMAR YADAV SON OF BRIJESH YADAV R/O VILLAGE- KARISATH, P.S.- UDWANT NAGAR (GAJRAJGANJ), DIST.- BHOJPUR
5. DIP NARAYAN YADAV @ BAHADUR YADAVQ SON OF LATE SUKHLAL YADAV R/O VILLAGE- KARISATH, P.S.- UDWANT NAGAR (GAJRAJGANJ), DIST.- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Prasad Yadav
For the Opposite Party/s : Mr. Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 29-11-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Udwant Nagar (Gajrajganj) Police Station Case No. 325 of 2023, disclosing offences under Sections 147, 149, 341, 323, 324, 379, 354, 504, 506 of the Indian Penal Code.
3. Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner No. 2 and 5.



4. Permission is granted.

5. This application is dismissed as withdrawn for petitioner Nos. 2 and 5.

6. As per the First Information Report, on 26.07.2023, in the morning, while the mother of the informant had gone to offer prayer in a temple, petitioner No. 1 along with other accused persons caught hold the informant's mother. Co-accused Vijay Kumar and petitioner No. 1 pulled the *saree* of the mother of the informant and assaulted her and co-accused, Raj Kumar, snatched the earrings and golden chain from the informant's mother. When the informant went to save his mother on which accused No. 3, 4 and 5 assaulted the informant and co-accused Rohit assaulted the informant by pistol and dab.

7. Learned Counsel for the petitioners submits that both the parties are agnate and there is previous land dispute between the parties. A counter case has been lodged by the petitioner No. 5 against the informant and his family members bearing Udawant Nagar P.S. Case No. 326 of 2023 dated 27.07.2023. He next submits that allegation against the petitioners are general and omnibus in nature. There is specific allegation of assault against the co-accused Rohit Kumar who is not the petitioner.



8. On the other hand, the counsel for the informant vehemently opposed the prayer for bail and submits that injury caused to the informant's mother has been found to be grievous in nature as would be evident from paragraph 25 and 26 of the case diary.

9. I have heard learned counsel for the parties.

10. The allegation against the petitioner No. 1 is that he along with other co-accused persons pulled the *saree* of the informant's mother and also assaulted her. The injury report of the informant's mother shows that she had sustained fracture distal end of right radiwa near the wrist. The allegation against the other petitioners are general and omnibus in nature and there is a previous land dispute between the parties and a counter case has also been lodged.

11. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the injury caused to the informant's mother is near the wrist which is a non-vital part of the body, both the parties are agnate and there is a land dispute between them, I am inclined to grant the petitioner privilege of anticipatory bail.

12. This application is, accordingly, allowed.

13. Let the petitioner, Mahendra Yadav, Brijesh Yadav



@ Brajesh Yadav, Sat Pal Yadav @ Satpal Kumar Yadav, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara, in connection with Udwant Nagar (Gajrajganj) Police Station Case No. 325 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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