

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73827 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- BENIPATTI District- Madhubani

Vijay Yadav @ Rakesh Yadav Son of Late Shital Yadav Resident of Village-
Samda P.S.- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Heard Mr. Subhash Kumar Jha, learned counsel for
the petitioner and Mr. Aditya Narayan Singh 1, learned APP for
the State.

The petitioner apprehends his arrest in connection
with Benipatti P.S. Case No. 203 of 2021 registered for the
offences punishable under Sections 143, 341, 323, 324, 307,
379, 354A, 504 and 506 of the Indian Penal Code.

It is alleged that while the younger brother of the
informant was sitting near a pond, co-accused Bhoril Yadav
snatched his mobile and thrashed him. On account of the
aforesaid altercation, soon thereafter, all the FIR named accused
persons, including the petitioner came at the door of the
informant and brutally assaulted him and his father as well as
several family members. The allegation against the petitioner is



an order giver and other allegation has also been levelled that co-accused persons misbehaved with the family members of the informant and snatched their belongings.

Submission has been made on behalf of the petitioner that save and except exhortation made by the petitioner, there is no allegation that he has made any overt act or assaulted any of the family members of the informant. There is a counter version of the present case being Benipatti P.S. Case No. 207 of 2021 instituted by co-accused Bhoril Yadav, apart from the fact that there is a land dispute due to which, free fight took place resulted into lodging of the present FIR implicating the name of sixteen accused persons. It has lastly been submitted that the petitioner is a man of clean antecedent.

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 fact that save and except exhortation made by the petitioner, there is no other allegation of overt act, coupled with the fair antecedent and the land dispute between the parties, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today,



on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st Benipatti, Madhubani, in connection with Benipatti P.S. Case No. 203 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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