

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74697 of 2022

Arising Out of PS. Case No.-439 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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1. Jawahar Yadav, Son of Hriday Yadav, Resident of Village- Masti Fatehpur, Ward No.-9, P.S.- Mufassil, District- Begusarai
 2. Manoj Yadav @ Mantus Yadav, Son of Jawahar Yadav, Resident of Village- Masti Fatehpur, Ward No.-9, P.S.- Mufassil, District- Begusarai
 3. Pandaw Kumar, Son Of Jawahar Yadav, Resident Of Village- Masti Fatehpur, Ward No.-9, P.S.- Mufassil, District- Begusarai
 4. Ram Uday Yadav, Son Of Late Saho Yadav, Resident Of Village- Masti Fatehpur, Ward No.-9, P.S.- Mufassil, District- Begusarai
 5. Shailendra Yadav, Son Of Late Saho Yadav, Resident Of Village- Masti Fatehpur, Ward No.-9, P.S.- Mufassil, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Fahimuddin, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the Informant	:	Mr. Dinesh Prasad Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioners and learned
APP for the State as well as learned counsel for the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Muffasil (Lakho) P.S. Case No. 439 of 2022 registered for the alleged offences under Sections 143, 341, 323, 307, 379 and 504 of the Indian Penal Code.

3. As per prosecution case, petitioners and co-accused armed with *lathi*, *danda*, rod, *khanti* and *hasua*, started forcibly cutting grass from the land of the informant. When the



informant opposed, the petitioners and other co-accused started assaulting the informant and his nephew. When the sons of the informant tried to intervene, the petitioners also assaulted them, causing a number of injuries to them.

4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to village politics. No occurrence as alleged has ever taken place in the manner as stated. Informant has filed the instant case in order to save his skin from the case filed by the wife of petitioner no.1 against the informant side vide Muffasil (Lakho) P.S. Case No. 427 of 2022. The occurrence has taken place on 14.08.2022 but the FIR has been registered after seven days i.e., on 20.08.2022 and this shows afterthought and *mala fide* intention of the informant. Learned counsel further submits that there is no injury of assault on the so called victims and nothing has come on record regarding injuries. There is no application of Section 307 of IPC and allegation under Section 379 of IPC is merely embezzlement. Learned counsel further submits that in the case filed by the petitioners' side, four persons of the informant side have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 04.04.2023 passed in Cr. Misc. No. 3504 of 2023.



5. Learned APP as well as learned counsel for the informant oppose the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and also considering the nature of allegation coupled with absence of injury report, let the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Muffasil (Lakho) P.S. Case No. 439 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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