

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74937 of 2022

Arising Out of PS. Case No.-269 Year-2022 Thana- KONCH District- Gaya

1. BRAHAM DEO YADAV @ BRAHMDEV YADAV Son of Late Dwarika Yadav R/v- Vijaypur, P.S.- Konch, District- Gaya
2. SURENDRA YADAV @ SURENDRA KUMAR Son of Braham Deo Yadav @ Brahmdev Yadav R/v- Vijaypur, P.S.- Konch, District- Gaya
3. MAHENDRA YADAV @ MAHENDRA KUMAR Son of Braham Deo Yadav @ Brahmdev Yadav R/v- Vijaypur, P.S.- Konch, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 03-05-2023 Heard learned counsel appearing on behalf of the parties.

The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Konch P.S. Case No. 269 of 2022 registered for the offences punishable under Sections 341, 323, 354-B, 308, 379, 504 and 506/34 of the Indian Penal Code.

The allegation against petitioners is to assault informant and others along with other co-accused persons/family members, causing bodily injuries, which may likely to cause death of informant and others, by means of *lathi*,



rod, etc., where, occurrence is alleged to be founded over land disputes.

Learned counsel appearing on behalf of the petitioners submitted that occurrence is free fight in nature, where, both parties received injuries, for which a prior case was lodged by petitioner's side, which has been registered as Konch P.S. Case No. 263 of 2022. It is submitted that occurrence arises out of partition dispute of ancestral property, where, both parties are agnate. While travelling over the argument, it is submitted that present FIR was lodged with unexplained delay of 08 days, moreover, injuries as alleged to be caused by petitioner is simple and suggesting that same is not likely to cause death in ordinary course of nature. While concluding the argument, it is submitted that allegation as regarding to assault is appearing very much general and omnibus in nature, where petitioners are men of clean antecedent.

Learned APP for the State opposes the prayer of bail.

Considering the aforesaid facts and circumstances of the case, as occurrence is free fight in nature, where, injuries alleged to caused by these petitioners is appearing simple, let all three above-named petitioners, in the event of their arrest or surrender before learned court below within a period of four



weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya/concerned Court, where the case is pending in connection with Konch P.S. Case No. 269 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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