

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7022 of 2024

Arising Out of PS. Case No.-522 Year-2023 Thana- FATEHPUR District- Gaya

- 1. Munni Devi WIFE OF KHUSHILAL YADAV RESIDENT OF VILLAGE-DHANCHHU, PS- FATEHPUR, DISTT- GAYA
- 2. MUTARI DEVI WIFE OF MUKHLAL YADAV RESIDENT OF VILLAGE- DHANCHHU, PS- FATEHPUR, DISTT- GAYA
- 3. KHUSHI LAL YADAV SON OF TODI YADAV RESIDENT OF VILLAGE- DHANCHHU, PS- FATEHPUR, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate.
For the State : Mr. Narendra Kumar Singh, A.P.P.
For the Informant : Mr. Anil Kumar Sinha, Advocate.
Mr. Sudhir Kumar Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioners, learned APP for the State and learned counsel appearing on behalf of the informant.

2. In the present case, the petitioners are apprehending their arrest in connection with Fatehpur P.S. Case No. 522 of 2023, registered on 15.07.2023 for the offences under Sections 341, 323, 324, 307, 504, 379, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and other co-accused persons were trying to forcibly capture the land of the informant and when the act was opposed by the

informant, the petitioners and the other co-accused persons assaulted the informant and his family members causing a number of injuries to them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Petitioner no. 3 has also filed P. S. Case No. 526 of 2023 against the informant and his associates for brutally assaulting the petitioners and others. From the facts and circumstances and the contents of F.I.R. it is very much apparent that in the background of land dispute some altercation took place and a free fight ensued in which both sides received injuries. Furthermore, the allegation of causing injuries is against petitioner no. 1 and there is no allegation of causing any injury against petitioner no. 2 & 3. The injury upon the wife of petitioner no. 1 is stated to be simple in nature and the injuries are lacerated wounds of size 5" X 0.25" and 3" X 0.25" over vertex of head length and frontal part of head length respectively, apart from chest pain and pain and tenderness over left leg. Learned counsel further submits that petitioner no. 1 & 2 are ladies and against petitioner no. 3 there is no allegation. The petitioners have got no criminal history.

5. Learned APP as well as counsel appearing on

behalf of the informant vehemently opposes the submission made on behalf of these petitioners. Learned counsel for the informant submits that the petitioners and other the other co-accused person brutally assaulted the informant and his family members and the informant received five stitches on his head and the injuries of the victim Manju Devi is also on head.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioners and the injury attributed to one of the petitioners are stated to be simple, 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 bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.,-X, Gaya in connection with Fatehpur P.S. Case No. 522 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other 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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