

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5073 of 2024

Arising Out of PS. Case No.-91 Year-2023 Thana- DHANGAI District- Gaya

1. Pintu Yadav Son Of Late Tejan Yadav Resident Of Village - Kathautia, P.S. - Dhangai, District - Gaya
2. Chandradev Yadav @ Chandradev Kumar Son Of Late Tejan Yadav Resident Of Village - Kathautia, P.S. - Dhangai, District - Gaya
3. Rubi Devi Wife Of Pintu Yadav Resident Of Village - Kathautia, P.S. - Dhangai, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 325, 379, 354, 504, 506, 447 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and Petitioner No. 3 is a woman, aged about 23 years. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that on account of dispute relating to irrigating the



field, the occurrence is alleged to have taken place and the informant alleges that Petitioner No. 1 assaulted him and his son by *Khanti* causing injury near their eyes and head, thereafter it is alleged that petitioners along with Satyendra Yadav also assaulted his wife causing injury of teeth. It is next submitted that petitioners are not criminals rather on account of dispute relating to irrigation, the present occurrence is alleged to have taken place. It is further submitted that the date of occurrence is 28-7-2023 and the FIR came to be instituted on 3-8-2023, i.e., after a delay of seven days. It is also submitted that no doubt, in the FIR it has been stated that there was delay in instituting the FIR on account of treatment being meted out to the injured, but then in the nature of injury caused, it does not appear probable that the treatment would have taken so long, when the injuries suffered by the injured are simple in nature and the wife of the informant is alleged to have been caused grievous injury as her teeth was broken. It is further submitted that no doubt, a minor scuffle took place in which the wife of the informant fell on account of which her tooth broke.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. Considering the submissions made by the learned



counsel for the petitioners and the fact that petitioners are not criminals and on account of dispute relating to irrigation, the occurrence alleged to have taken place and the injury found on the injured is simple in nature except one, which has been dealt as recorded hereinabove, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Dhangai P.S. Case No. 91 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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