

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7836 of 2024

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

1. Manoj Yadav Son of Pitamber Yadav Resident of Village-Dhanchhu, P.s.- Fatehpur, Distt.-Gaya
2. Chandra Yadav @ Chandar Yadav Son of Deoki Yadav Resident of Village-Dhanchhu, P.s.-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 Opposite Party/s	:	Mr. Ram Naresh Ray, APP
For the Informant	:	Mr. Sudhir Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State as well learned counsel for the informant.

02. 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..

03. 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.

04. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. There is counter version as co-accused Khushi Lal Yadav has filed Fatehpur P. S. Case No. 526 of 2023 against the informant of this case and his associates as they brutally assaulted the petitioners and others. Learned counsel further submits that background of land dispute is admitted and some altercation took place and scuffle took place between the parties and the petitioners have got serious injuries. Learned counsel further submits that petitioners are stated to have caused injuries to Deepu Kumar and Nitish Kumar and the injury reports of Deepu Kumar and Nitish Kumar show simple injuries, though the injury sustained by informant Pintu Kumar is stated to be grievous, but there is no specific allegation against these petitioners. Furthermore, the allegation of causing injuries is against altogether twelve persons. Learned counsel further submits that some co-accused persons have been granted anticipatory bail by this Court vide order dated 09.04.2024 passed in Criminal Misc. No. 7022 of 2024 and the case of the petitioners is on similar footing. The petitioners have got no criminal history.

05. Learned A.P.P. for the State as well as learned counsel for the informant oppose the prayer for anticipatory bail. Learned counsel for the informant submits that it was a brutal assault by the petitioners and other co-accused persons and they



caused injuries to a number of persons of the informant side and the informant received grievous injuries with five stitches.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of injuries caused by the petitioners which are stated to be simple and further considering the background of land dispute and the counter version, 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. 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 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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