

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14462 of 2024

Arising Out of PS. Case No.-758 Year-2023 Thana- SHERGHATI District- Gaya

1. Anil Yadav S/O Govardhan Yadav R/O Village- Kurumdih Bejaura, Ps.- Sherghati, Distt. Gaya.
2. Gautam Kumar S/O Anil Yadav R/O Village- Kurumdih Bejaura, Ps.- Sherghati, Distt. Gaya.
3. Raushan Kumar S/O Anil Yadav R/O Village- Kurumdih Bejaura, Ps.- Sherghati, Distt. Gaya.
4. Kanti Devi W/O Anil Yadav R/O Village- Kurumdih Bejaura, Ps.- Sherghati, Distt. Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate
For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 12-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Sherghati (Gaya) P.S. Case No. 758 of 2023, registered for the alleged offence under Sections 341, 323, 504, 506, 448, 307/34 of the Indian Penal Code.

03. As per prosecution case, the petitioners, who were armed with *lathi*, *danda* and *rod*, dragged out the informant from his house and petitioner no. 1 assaulted the informant on his head with a rod. The daughter and son of the informant were also assaulted by the petitioners. The said occurrence took place in the



background of drainage of water on the land of the informant.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. For an occurrence of dated 07.07.2023, the FIR has been registered on 10.07.2023 and there is no explanation for the delay. The background of land dispute and drainage of water are evident from the FIR itself. The injury of the informant has been found to be simple and no fracture was observed. The petitioners have got no criminal history.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the simple nature of injury of the informant and further considering the background of land dispute and possibility of false implication, let the petitioners above named, in the even 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 Chief Judicial Magistrate, Gaya in connection with Sherghati (Gaya) P.S. Case No. 758 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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