

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17703 of 2024

Arising Out of PS. Case No.-125 Year-2023 Thana- SARE District- Nalanda

1. Chandan Kumar Son of Jaleshwar Yadav Resident of Village- Barepur, P.S.- Sare, District- Nalanda
2. Jaleshbar Yadav Son of Sadan Yadav R/o Village- Barepur, P.S.- Sare, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Prasad Singh, Adv.

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Sare P.S. Case No. 125 of 2023 dated 20-07-2023, instituted for the offence punishable under Sections 341,323, 324 307, 379, 452, 354, 504, 506 and 34 of the Indian Penal Code.

3. Prosecution case, in short, is that petitioners, along with some unknown persons have abused and assaulted the informant. It is alleged that they have brutally assaulted Sanjeet Kumar, Babli Kumari, and Indu Devi. The reason behind the occurrence is that there is dispute between the parties for



ancestral property. It is alleged that petitioners snatched *Mangalsutra*, earrings and locket from Babli Kumari and petitioner No.1, namely, Chandan Kumar assaulted the Babli Kumari by means of *khanti* on her head, on account of which, blood started oozing out. It is further alleged that petitioner No.2, namely, Jaleshbar Yadav and other persons assaulted the informant and Sanjeet Kumar by means of '*khanti*' causing injury to them. It is alleged that the petitioners and other unknown persons have assaulted them by bricks and stones. Thereafter, the informant was treated at hospital.

4. The learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioner No. 2 is full brother of the informant whereas, petitioner No. 1 is the nephew of the informant. It is further submitted that earlier petitioner No. 2 lodged an FIR against the informant and others on 19-07-2023 bearing Sare PS Case No. 120 of 2023 under Section 307 and other allied section of the Indian Penal Code against the same occurrence (Annexure P/2). In retaliation, the present case has been lodged on 20-07-2023, just after one day of the alleged occurrence. There is dispute between both the brothers for an ancestral property which is situated at Delhi. It is also submitted



that the injury report reveals that injury sustained by the injured is simple in nature. It is next submitted that there is no allegation against the petitioners of assaulting the Sanjeet Kumar. Lastly, it is submitted that petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Sare P.S. Case No. 125 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM Nalanda at Biharsharif, or appropriate Court below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Khatim Reza, J)

shyambihari/-

U		T	
---	--	---	--

