

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13921 of 2024

Arising Out of PS. Case No.-955 Year-2023 Thana- BARACHATTI District- Gaya

1. Harihar Yadav Son of Late Dukhi Yadav
 2. Surendra Kumar Son of Harihar Yadav
 3. Birendra Kumar Son of Harihar Yadav
 4. Sumanti Devi Wife of Harihar Yadav
 5. Manisha Kumari Wife of Surendra Yadav
- All residents of Village - Ganesh Chak, P.S. - Barachatti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate
For the Opposite Party/s : Mr.Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 12-03-2024 Heard Mr. Vijay Kumar, learned counsel appearing on behalf of the petitioners and Mr. Atul Chandra, learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with Barachatti P.S.Case No.955 of 2023, registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code .

3. As per the allegation made in the FIR, all the accused persons including the petitioners had assaulted the informant and his family members, in which the informant sustained injury.



4. Learned counsel appearing on behalf of the petitioners submitted that the allegations made in the FIR are false and fabricated and due to land dispute, the petitioners have been made accused in the present FIR on the frivolous ground. It is informed that the incident took place on 21.10.2023, while the FIR has been lodged on 28.10.2023 on the basis of the written report dated 25.10.2023 after cooking of the allegation for four days. Petitioners are innocent and there is land dispute between the parties. There is case and counter case between the parties relating to the same incident. On these grounds, learned counsel for the petitioners seeks the petitioners to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, it appears that the FIR has been lodged after much delay and the the injury sustained by the informant is simple in nature, the petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each



with two sureties of the like amount each to the satisfaction of learned ACJM II, Sherghati at Gaya/concerned court, in connection with Barachatti P.S.Case No.955 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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