

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20683 of 2024**

Arising Out of PS. Case No.-365 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

1. Baleshwar Prasad @ Bali Yadav, Son of Late Nandlal Yadav @ Nandulal Prasad, Resident of Village- Triloki Bigha, P.S.- Nawada Muffasil, District- Nawada
2. Nitish Kumar, Son of Sudhir Yadav, Resident of Village- Triloki Bigha, P.S.- Nawada Muffasil, District- Nawada
3. Sujit Yadav @ Sujit Kumar Son of Nandu Yadav (Wrongly stated in FIR as Son of Sudhir Yadav) Resident of Village- Triloki Bigha, P.S.- Nawada Muffasil, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Sudhanshu Kumar, Advocate |
| For the State        | : | Mr. Gauri Shankar Gupta, APP  |
| For the Informant    | : | Mr. Birendra Kumar, Advocate  |
|                      |   | Mr. Kumud Kishore, Advocate   |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      03-05-2024                      1. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the informant.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending his arrest in connection with Nawada Muffasil P.S. Case no. 365 of 2023 registered under sections 307, 147, 149, 341, 448, 323, 379, 385, 354, 506 and 427 of the Indian Penal Code.

3. As per the prosecution case, it is stated that the five named accused persons including the three petitioners herein came variously armed. Sujit Yadav was carrying a rifle. He started to abuse. On the informant asking him not to abuse it is



stated that on the orders of Bali Yadav, Sudhir Yadav struck the informant on his head with a *gadasa*. Bijendra Yadav and Nitish Yadav on the point of a rifle threatened that the informant would have to pay rangdari of Rs.1,00,000/-. The informant further states that on her husband coming to her rescue, Nitish Kumar struck him on his chest with the butt of the rifle while Bali Yadav and Manish Yadav struck with an iron rod. The cause of occurrence is land dispute between the parties.

4. It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. There is case and counter case between the parties with the correct version having been narrated in the FIR of the counter case which is at Annexure-P2 to the petition. The allegations are general and omnibus in nature. The injuries are simple in nature. The petitioner no.3 has no criminal antecedent.

5. The application for anticipatory bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioners are named in the FIR but there is allegation of specific overt act against them with corresponding injuries having been found in the injury report.

6. Having heard learned counsel for the parties and



taking into consideration the allegations against the petitioners in the F.I.R, the allegations being that the petitioners came variously armed and of having assaulted the informant and the members of her family together with the corresponding injuries having been found in the injury report, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.

7. The petitioners are directed to surrender in the learned trial Court within a period of four weeks.

**(Partha Sarthy, J)**

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