

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17648 of 2024

Arising Out of PS. Case No.-603 Year-2022 Thana- BHORE District- Gopalganj

1. Chandan Kumar Yadav @ Chandan Yadav Son of Late Marai Chaudhary @ Late Marai Yadav R/o Village- Bhore, P.S.- Bhore, District- Gopalganj
2. Mukesh Yadav @ Nandan Yadav Son of Late Marai Chaudhary @ Late Marai Yadav R/o Village- Bhore, P.S.- Bhore, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Adv.

For the Opposite Party/s : Mrs. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Bhore P.S. Case No. 603 of 2022 dated 19.12.2022 registered for the offences punishable u/ss 147, 149, 341, 323, 324, 325, 307, 379, 380, 354B, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons along with five unknown miscreants are alleged to have started abusing the informant due to land dispute. On being objected by the informant, the co-accused, Ashok Chaudhary exhorted to kill him then the petitioner Nandan Yadav caught hold of the informant and the petitioner Chandan Yadav



inflicted blow of knife with intent to kill which hit the shoulder of the informant. All the accused persons assaulted the informant severely. When the informant's wife and daughter came to rescue then the accused persons made them injured by assaulting and the co-accused, Chandan Yadav slammed the informant's wife by catching hold of her hair and the petitioner Nandan Yadav tore her cloth due to which she became nude. It is further alleged that during the course of assault, the co-accused, Raj Yadav snatched Rs. 35,000/- from the pocket of the informant and all the accused persons looted mobile and other materials. Thereafter, the accused persons fled away from the place of occurrence.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is land dispute between the parties. It is further submitted that there is a case and counter case between the parties. Both sides sustained injuries due to free fighting. The informant has sustained four injuries and the doctor has opined that the injury nos. 1 and 2 are stated to be grievous in nature which are on non vital part and the injury nos. 3 and 4 are simple in nature caused by hard and blunt substance. Learned counsel has further submitted that the mother of the petitioners namely Ramawati Devi has sustained two injuries and the doctor has opined that the injury no. 1 is grievous in nature caused by hard and blunt substance. It is



further submitted that the petitioners had no intention to cause the death of the informant. The petitioners have one criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the material available on the record, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Gopalganj in connection with Bhore P.S. Case No. 603 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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