

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20539 of 2024

Arising Out of PS. Case No.-100 Year-2022 Thana- GHOGHARDIHA District- Madhubani

1. Bishwanath Yadav S/o Late Dev Narayan Yadav R/O Village- Biharpur, P.S-
Lakhanaur, Distt.- Madhubani.
2. Badyanath Yadav S/o Late Dev Narayan Yadav R/O Village- Biharpur, P.S-
Lakhanaur, Distt.- Madhubani.
3. Dinanath Yadav S/o Late Dev Narayan Yadav R/O Village- Biharpur, P.S-
Lakhanaur, Distt.- Madhubani.
4. Jainath Yadav S/o Late Dev Narayan Yadav R/O Village- Biharpur, P.S-
Lakhanaur, Distt.- Madhubani.
5. Indu Devi W/o Dinanath Yadav R/O Village- Biharpur, P.S- Lakhanaur,
Distt.- Madhubani.
6. Subhash Yadav S/O Bishwanath Yadav R/O Village- Biharpur, P.S-
Lakhanaur, Distt.- Madhubani.
7. Ram Bilash Yadav S/O Late Mangai Yadav R/O Village- Kamrail, P.S-
Marauna, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyajeet Pandey, Advocate.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 04-04-2024 Heard Mr. Priyajeet Pandey, learned counsel

 appearing on behalf of the petitioners and Mr. Nand Kishore

 Prasad, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection



with Ghoghardhiha P.S. Case No. 100 of 2022 registered for the offence punishable under Sections 341, 323, 324, 325, 354, 448, 379, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., all the accused persons including the petitioners armed with various weapons entered into the courtyard of the informant and assaulted on the different parts of his body. Petitioner no. 2 is said to be order giver. Petitioner no.7 is said to have snatched the golden chain of the informant and his wife and also disrobed the wife of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that the petitioners and the informant are agnates and due to land dispute the informant is in habit of lodging frivolous case against the petitioners and their family members. Making similar allegation, the wife of the informant has lodged Lakhanpur P.S. Case No. 129 of 2021 in which petitioner no.2 Badyanath Yadav was released on bail vide order dated 21.07.2023 passed in Cr. Misc. No. 33927 of 2023. In the present case also, specific allegation of having given iron rod on the head of the informant has been alleged against the petitioner nos. 1 & 2. Similarly allegation under Section 354 IPC has been alleged against petitioner no. 7. It is alleged that the petitioner



no.2 is the order giver and allegation against petitioner nos. 5 and 6 is of assaulting the informant and snatching their valuables. On these basis, learned counsel submitted that the petitioners have been made accused due to previous enmity are liable to be released on bail.

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

6. Considering the nature of allegation against the petitioners being general and omnibus and the fact that for similar allegation earlier also informant has lodged a case against them who are agnates of the informant, the petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the 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-I, Jhanjharpur in connection with Ghoghardhiha P.S. Case No. 100 of 2022, subject to the condition 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



Para-3 of the bail petition, this order will automatically lose its
force.

(Purnendu Singh, J)

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