

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22661 of 2024

Arising Out of PS. Case No.-167 Year-2023 Thana- DHAMDAHA District- Purnia

Jagarnath Yadav, Son of Bhola Yadav, Resident of Village-Chandrahi, Police Station-Dhamdaha, District-Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-06-2024 Heard Mr. Dilip Kumar, learned counsel appearing on behalf of the petitioner and Mr. Chandra Sen Prasad Singh, learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Dhamdaha P.S. Case No. 167 of 2023, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 427, 386, 504, 506 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. Based upon a written report, the prosecution alleges that on account of a land dispute, all the FIR named accused persons including the petitioner and 25-30 unknown miscreants, variously armed, by forming an unlawful assembly, came to the land of the informant and started fencing. However, when the same was protested, all the accused persons assaulted him and



resorted firing.

4. Learned counsel appearing on behalf of the petitioner contended that there is admitted land dispute between the parties. However, on account of such dispute, some altercation has taken place, but only in order to put pressure, the present FIR has been instituted. There is a counter version of the present crime being Dhamdaha P.S. Case No. 168 of 2023 registered by the persons of the petitioner's side. He further contended that there was a Title Suit being no. 50 of 1994 which was decreed in favour of the persons of the petitioner and as the informant does not want to get the decree of the title suit executed, this FIR has been instituted. It is also contended that other co-accused persons against whom there is identical allegation, have been allowed the privilege of anticipatory bail by Annexure 2 series.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner bears one more criminal antecedent of serious nature.

6. Regard being had to the submissions made on behalf of the parties and considering the submission of the petitioner based upon the parity that other co-accused persons have been allowed the privilege of anticipatory bail, coupled



with the general and omnibus nature of allegation and the fact that none has sustained any injury, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No. 167 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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