

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24882 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- CHANDAUTI District- Gaya

- 1. SUDARSHAN YADAV @ SUDARSHAN KUMAR S/O UMESH YADAV
R/O VILLAGE- JAGARNATHPUR, P.S- CHANDAUTI, DISTT.- GAYA.
- 2. DEVANAND YADAV @ DEVANAND KUMAR S/O UMESH YADAV
R/O VILLAGE- JAGARNATHPUR, P.S- CHANDAUTI, DISTT.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 25271 of 2024

Arising Out of PS. Case No.-477 Year-2023 Thana- CHANDAUTI District- Gaya

Ritu Raj S/o Bal Govind Yadav R/o vill - Jagarnathpur, P.s. - Chandauti, Distt
- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 24882 of 2024)
For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP
(In CRIMINAL MISCELLANEOUS No. 25271 of 2024)
For the Petitioner/s : Mr.Praveen Kumar, Advocate
For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-05-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Chandauti P.S. Case No. 477/2023 instituted under Sections 447, 504, 341, 506, 323, 324, 307, 379 and 34 of the Indian Penal Code and 27 of the Arms Act lodged on



21.9.2023 by the informant, Mithilesh Kumar Yadav.

3. As per the prosecution story, on 16.9.2023, the accused persons due to land dispute came, abused and the allegation against Ritu Raj is of opening fire in the air. The informant remained inside the home and did not come out. Further, next day, allegation is that when he was sitting at the door of Haridwar Sharma, his son came and informed that the accused persons once again came to their home. He rushed home and found Ritu Raj Yadav and Prince Kumar present there with country made revolver while other co-accused were variously armed, abusing his family members. When this was objected, Prince Kumar gave 'garasa' blow on this head causing injury. He gave repeat blow causing injury on the chin once again Ritu Raj opened fire in the air. Later, his wife was also injured. Someone called the Police on 112 whereafter, the police came and took them to the Magadh Hospital which followed the FIR.

4. Learned counsel for the petitioners submit that specific allegation is against Prince Kumar of giving 'garasa' blow to the informant's head and later on his chin. Against others, there is omnibus allegation of assault on the informant/his wife.



5. Mr. Anand Kishore Choudhary, learned APP submits that though allegation of assault by 'Garasa' is attributed to Prince Kumar on the informant. The petitioners herein also played role inasmuch as the wife of the informant also injured and was admitted in Magadh Hospital in the department of Ortho and remained for two days after being discharged on 19.9.2023. This fact has come in the order of learned Sessions Judge, Gaya.

6. Learned counsel for the petitioners submit that to the best of his knowledge, the injuries sustained by the lady was/were not found to be grievous.

7. Taking into account the aforesaid submission put forward by the learned counsel for the petitioners and the learned APP and taking into account the further submission that injuries sustained by the lady, as per the learned counsel for the petitioners was/were not found to be grievous, the main allegation is against Prince Kumar, this Court is inclined to extend them privilege of anticipatory bail. However, if it is found that contrary to the submission put forward by the learned counsel for the petitioner that the injury sustained by the lady was found to be grievous, the order passed in favour of the petitioners herein, shall become infructuous.



8. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Chandauti P.S. Case No. 477/2023 to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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