

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30753 of 2024**

Arising Out of PS. Case No.-83 Year-2023 Thana- LAUKAHA District- Madhubani

Amar Yadav Son of Late Rajendra Yadav Resident of Village- Sahorwa, P.S-
Laukaha, Dist- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr.Surendra Kumar, APP
Mr. Bimal Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 21-09-2024 1. Heard learned counsel for the petitioner, learned
APP for the State and the learned counsel appearing on behalf of
the informant.
2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 307, 302, 120(B), 504 of the Indian Penal Code in
connection with Laukaha P.S. Case No.83 of 2023.
3. The learned counsel for the petitioner submits that
petitioner has antecedent of one case and the informant alleges
that Raushan and Rupesh were fighting on account of dispute
relating to land, thereafter, Pankaj, Bhageshwar, Bibhesh,



Bimal, Ritesh, Bansilal, Amar and Sajjan came variously armed and started assaulting Raushan, causing injury on his head, further informant and his family members along with neighbours tried to save Raushan, when accused persons assaulted the informant, his son Laxmi causing injury on their head and also assaulted Anand, the neighbour, further the named accused persons including the petitioner assaulted his other son Prabhash causing injury on his head, further when Arvind, Bijali Devi, Ram Prasad and Ravindra came to save Prabhash the accused persons assaulted them even and Ravindra was assaulted by farsa by Rupesh, Neeraj and Pankaj causing injury on head, further Bijli and Ram Prasad also suffered injuries, next alleges that on account of assault his son Prabhash and Bijli Devi died during the course of treatment and Rabindra was referred to Darbhanga for further treatment. The learned counsel submits that even Rabindra died during the course of treatment.

4. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that Raushan and Rupesh were fighting on account of dispute relating to land and thereafter named accused persons came and started assaulting Raushan, on which the informant and Anand intervened to save Raushan, it is next submitted that Pankaj is



alleged to have assaulted Prabhash along with other named accused persons, but then the allegation of assault is not specific. It is also submitted that as far as allegation of assaulting Bijli and Ram Prasad is alleged the same is also not specific against any of the accused persons, rather the allegation of assault is general and omnibus in nature, but then it is fairly submitted that specific allegation of assaulting Rabindra is against Rupesh, Neeraj and Pankaj. It is next submitted that Rabindra suffered three injuries.

5. The learned counsel for the petitioner next submits that though Rabindra is alleged to have been assaulted by Pankaj, but then Rupesh and Neeraj are also alleged to have assaulted. It is further submitted that during the course of investigation in the CCTv. footage it was found that Pankaj was also present at the occurrence but with a hockey stick, but then there is no allegation in the FIR that hockey stick was used in the occurrence. It is also submitted that from the side of petitioner Laukaha P.S. Case No.84 of 2023 against the informant and his family members was instituted alleging that they assaulted and killed Nawal nephew of Pankaj. It is thus submitted that in the occurrence altogether four persons were killed. It is also submitted that since nephew of Pankaj died on



account of assault made by the informant and his side as such petitioner also has been implicated in the instant case without any specific allegation.

6. The learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that there is no specific allegation of assault against the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Jhanjharpur, Madhubani in connection with Laukaha P.S. Case No.83 of 2023.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

