

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32300 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- TATARPUR District- Bhagalpur

1. Selu Yadav Son of Late Tribeni Yadav Resident of Mohalla- Dhanuk Toli Lane, Sahebganj, P.S- Vishwavidyalay, Dist- Bhagalpur
2. Gauri Devi Wife of Selu Yadav Resident of Mohalla- Dhanuk Toli Lane, Sahebganj, P.S- Vishwavidyalay, Dist- Bhagalpur
3. Ankur Kumar Yadav @ Anku Kumar Yadav Son of Selu Yadav Resident of Mohalla- Dhanuk Toli Lane, Sahebganj, P.S- Vishwavidyalay, Dist- Bhagalpur
4. Sukhnandan Kumar @ Chandan Kumar Son of Selu Yadav Resident of Mohalla- Dhanuk Toli Lane, Sahebganj, P.S- Vishwavidyalay, Dist- Bhagalpur
5. Dulari Kumari Daughter of Selu Yadav Resident of Mohalla- Dhanuk Toli Lane, Sahebganj, P.S- Vishwavidyalay, Dist- Bhagalpur
6. Mito Yadav Son of Late Tribeni Yadav Resident of Mohalla- Dhanuk Toli Lane, Sahebganj, P.S- Vishwavidyalay, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-05-2024 Heard Mr. Manoj Kumar Jha, learned counsel for the
petitioner and Mr. Murli Dhar, learned APP for the State.

2. The petitioners apprehend their arrest in connection
with Tatarpur (Vishwavidyalay) P.S. Case No. 38 of 2024
registered for the offences punishable under Sections 341, 323,
308, 354, 504 and 506/34 of the Indian Penal Code.

3. The allegation against the petitioners is of causing



assault to the informant and her daughter.

4. Learned counsel for the petitioners contended that in fact, the dispute arose on account of making pathway over the alleged land of the petitioners. There is case and counter case resulting into injuries to the persons of both the sides. However, as per the instruction of the petitioners, all the injuries have been found to be simple in nature. It is further contended that though the alleged occurrence took place on 03.02.2024, but the present FIR has been instituted on 06.02.2024 after delay of two days and no explanation whatsoever has been given. The copy of the counter case as well as the injury report have been placed on record as Annexures-P/2 and P/3 to the bail application.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioners had actively participated in the crime and assaulted the informant and the others.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the genesis of the occurrence giving rise to case and counter case, coupled with the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned 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 C.J.M., Bhagalpur in connection with Tatarpur (Vishwavidyalay) P.S. Case No. 38 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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