

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36271 of 2024

Arising Out of PS. Case No.-694 Year-2023 Thana- KAUWAKOL District- Nawada

1. Ashok Yadav S/O Chando Yadav Village- Guaghoghra, P.S.- Kawakole, Dist- Nawada
2. Chando Yadav S/O Bineshwar Yadav Village- Guaghoghra, P.S.- Kawakole, Dist- Nawada
3. Kapil Yadav S/O Late Saudagar Yadav Village- Guaghoghra, P.S.- Kawakole, Dist- Nawada
4. Chhotu Yadav S/O Late Saudagar Yadav Village- Guaghoghra, P.S.- Kawakole, Dist- Nawada
5. Santosh Yadav @ Santosh Kumar S/O Chando Yadav Village- Guaghoghra, P.S.- Kawakole, Dist- Nawada
6. Suresh Yadav S/O Late Saudagar Yadav Village- Guaghoghra, P.S.- Kawakole, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar, Adv.
For the State	:	Mr. Akshay Lal Pandit, A.P.P.
For the Informant	:	Mr. Birendra Kumar, Adv.
		Mr. Kumud Kishore, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Kawakole P.S. Case No. 694 of 2023 registered for the alleged offences under Section 341, 323, 307, 355, 379, 504, 506 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons in the background of land dispute assaulted the



informant, his wife and his son with *khanti*, *lathi*, *danda* and iron rod. Co-accused persons also took away gold and silver ornaments from the house of the informant.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is case and counter case between the parties. The daughter of petitioner no. 1 has filed Kawakol P.S. Case No. 695 of 2023 under section 307 and other minor sections of the Indian Penal Code against the informant side. Learned counsel further submits that the allegation of assault on the informant is against petitioners Kapil Yadav, Chhotu Yadav and Suresh Yadav. The injury report of the injured persons show simple injuries. Injuries of the wife of the informant is pain and swelling on different body parts. Petitioner no. 4 is having antecedent of one case whereas other petitioners have got no criminal antecedent.

05. Learned A.P.P. for the State as well as learned counsel appearing for the informant oppose the submission made on behalf of the learned counsel for the petitioners. Learned counsel for the informant submits that the informant has received altogether four lacerated wounds on different parts of the head and this shows the intention of assailants. The son of the informant received one lacerated wound on the middle part of the head and other injuries are laceration over left eye and pain and swelling.



Learned counsel further submits that there is specific allegation of causing injuries on the informant against these petitioners. Son of the informant was also assaulted by the petitioners Ashok Yadav, Chando Yadav and Santosh Yadav. However, learned counsel concedes that injuries are stated to be simple.

06. Having regard to the facts and circumstances and considering the specific nature of allegation against the petitioner nos. 3, 4 and 6, namely, Kapil Yadav, Chhotu Yadav and Suresh Yadav, respectively and the injury report showing corroborative injuries on the informant, I am not inclined to enlarge these petitioners on anticipatory bail.

07. Hence, the prayer for grant of anticipatory bail to the petitioner nos. 3, 4 and 6 is rejected.

08. However, considering the fact that there is case and counter case between the parties and further considering the simple nature of injuries of the victims Ajay Yadav and wife of the informant Anno Devi, let the petitioner nos. 1, 2 & 5, namely, Ashok Yadav, Chando Yadav and Santosh Yadav, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of J.M. 1st Class, Nawada in connection with Kawakole P.S. Case



No. 694 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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