

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35021 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- RAHUI District- Nalanda

1. Brijnandan Yadav @ Brijnandan Gope @ Bijendra Yadav, Son of Rampadarath Yadav @ Rampadarath Gope, Resident of village- Nijoy, Police Station- Rahui, District- Nalanda.
2. Sanjay Yadav @ Sanju Yadav, Son of Rampadarath Yadav @ Rampadarath Gope, Resident of village - Nijoy, Police Station - Rahui, District - Nalanda.
3. Kush Yadav, Son of Rampadarath Yadav @ Rampadarath Gope, Resident of village - Nijoy, Police Station - Rahui, District - Nalanda.
4. Kundan Yadav @ Kundan Kumar, Son of Sanjay Yadav @ Sanju Yadav, Resident of village - Nijoy, Police Station - Rahui, District - Nalanda.
5. Lorik Yadav, Son of Mohan Yadav @ Mohan Gop, Resident of village - Nijoy, Police Station - Rahui, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-05-2024 Heard Mr. Nilendu Kumar Choudhary, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Rahui P.S. Case No. 31 of 2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly while the informant and his brother were



on their outhouse, then they heard some sound of scuffle. When they reached to the place, they saw that his elder brother Rishikesh Yadav @ Tantan Yadav was being assaulted by Bipin Yadav and Bhola Yadav. When the informant and his brother went to rescue, then all the accused persons, including the petitioners, brutally assaulted them by means of iron rod. It is further alleged that in course of scuffle co-accused Bipin Yadav took out a pistol from his waist and fired, due to which his brother sustained head injury.

4. Learned Advocate for the petitioners contended that for the same occurrence, three F.I.Rs. have been instituted. One by the informant, another by the police and third by the petitioners' side. So far the F.I.R. instituted by the police is concerned, it is categorically alleged that there was a free fight between two groups, resulting into injuries to the persons of both the sides, but the prosecution has failed to explain the injuries sustained to them. It is further contended that as per the narrations made in the F.I.R., the specific allegation of causing fire-arm injury has been levelled against co-accused Bipin Yadav, who is not before this Court. There is a counter version of the present case, being Rahui P.S. Case No. 32 of 2024.

5. Drawing the attention of this Court to the F.I.R.,



learned Advocate for the petitioners further contended that the occurrence has taken place in the premise of pending land dispute. Moreover, the F.I.R. was instituted on 15.01.2024, but the same has been received in the jurisdictional court on 19.01.2024 and, as such, the deliberation and afterthought cannot be denied. While concluding the submission, it is also contended that though the petitioner nos. 1, 2 and 4 have one criminal antecedent, whereas petitioner no.3 has two criminal antecedent. So far petitioner no.5 is concerned, he has absolutely fair antecedent. However, in all the cases, the petitioner nos. 1 to 4 are on bail.

6. On the other hand, learned APP for the State opposes the bail application and submits that the petitioners are actively participated in the crime and assaulted the informant and his brother, due to which they sustained injuries.

7. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against the petitioners; so far the injuries sustained to the Shashi Ranjan Kumar is concerned, the same has not been attributed to the petitioners, coupled with the factum of case and counter case and the delay in dispatching the F.I.R., let the petitioners, named above, in the event of their arrest or



surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Nalanda at Bihar Sharif in connection with Rahui P.S. Case No. 31 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

uday/-

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

