

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39500 of 2023

Arising Out of PS. Case No.-271 Year-2022 Thana- PARAIYA District- Gaya

1. Ramashray Yadav @ Kail Yadav Son of Late Shankar Yadav Resident of Village Lodipur Pokhar, P.S.- Paraiya, Distt-Gaya.
2. Musafir Yadav, Son of Late Chandradeo Yadav, Resident of Village Lodipur Pokhar, P.S.- Paraiya, Distt-Gaya.
3. Sanjay Yadav @ Guddu Yadav, Son of Rajdeo Yadav, Resident of Village Lodipur Pokhar, P.S.- Paraiya, Distt-Gaya.
4. Mukesh Kumar, Son of Rajdeo Yadav, Resident of Village Lodipur Pokhar, P.S.- Paraiya, Distt-Gaya.
5. Vijay Yadav, Son of Sahdeo Yadav, Resident of Village Lodipur Pokhar, P.S.- Paraiya, Distt-Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 09-08-2024 1. Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners are named in F.I.R. and apprehending their arrest in connection with Paraiya P.S. Case No. 271 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325, 307, 504 and 506 of the Indian Penal Code.



3. The allegation against above named petitioners is to assault informant and his family members alongwith co-accused persons by using lathi, rod etc, where occurrence is alleged to be arising out of land dispute.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners implicated falsely being family members of the main co-accused persons, where occurrence is arising out of land dispute. In support of his submission, learned counsel referred Annexure-5 of the bail petition. It is submitted that the allegation against petitioners are very general and omnibus only to pelting stones on house of the informant. It is submitted that no injuries alleged to be caused, out of said act of petitioners to informant or his family members. It is submitted that the informant and his family members received simple injury, in terms of Annexure-4 of the bail petition, which is sufficient to suggest that petitioners were not under intention to



cause their death. While concluding the argument, it is submitted that petitioner nos. 2, 3 and 5 are men of clean antecedents, whereas petitioner nos. 1 and 4 involved in one more criminal case, where they are on bail.

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as the allegation against petitioners are very much general and omnibus, where allegation to cause physical assault is available against other co-accused persons, coupled with fact, injuries alleged to be caused found simple in nature, *prima facie*, negating intention to cause death, accordingly, all above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, are directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned



Judicial Magistrate-1st Class, Gaya/concerned Court,
where the case is pending in connection with Paraiya
P.S. Case No. 271 of 2022, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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