

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39081 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- BAIRIYA District- West Champaran

1. Ravindra Yadav Son of Late Chokat Yadav Resident of village - Machhargawa, Police Station - Bairiya, District - West Champaran.
2. Surendra Yadav Son of Late Chokat Yadav Resident of village - Machhargawa, Police Station - Bairiya, District - West Champaran.
3. Lalsa Yadav Son of Late Brahmdev Yadav @ Brahmdeo Yadav Resident of village - Machhargawa, Police Station - Bairiya, District - West Champaran.

... .. 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. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-06-2024 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 01 of 2024 for the offence under Sections 341, 323, 324, 307, 354, 379, 504 and 34 of the I.P.C. lodged on 08.01.2024 by the informant, Upendra Kumar.

3. As per the prosecution story, on 28.12.2023, the informant alleges that when he was in his agricultural land tilling it, the accused persons tried to prohibit him from doing so and when the informant chose not to relent, after abuse the allegation is that Surendra Yadav (petitioner No. 2) caught hold of him whereafter Birendra Yadav gave '*farsa*' blow on his head causing injury and he fell down. As his family members came to the rescue, the allegation is that Ravindra Yadav (petitioner no. 1) gave



iron rod blow to his brother Munna Kumar causing injury on his head, he was also injured. Vimal Yadav assaulted Arun Kumar again by iron rod on his head causing injury. Against petitioner No. 3 Lalsa Yadav allegation is that he gave '*lathi*' blow causing injury in the finger of his another brother Awadhesh Kumar. Later, the female inmates were also abused and allegation against Chokat Yadav is of outraging the modesty and against Birendra Yadav of snatching of chain. They were taken to the hospital which followed the FIR.

4. Learned counsel for the petitioners submit that there is a case and counter case, the other side also suffered injuries, the matter relates to land dispute and admittedly save and except the iron rod blow allegation on the petitioner no. 1 (Ravindra Yadav), the only allegation against petitioner no. 2 (Surendra Yadav) is of having caught hold of the informant while Lalsa Yadav (petitioner no. 3) of causing injury in the finger.

5. Learned APP opposes the prayer submitting that with common intention they have assaulted the informant and his family members and petitioner no. 2 also has criminal antecedent.

6. Taking into account the submissions put forward by the parties as also the allegation that has come against petitioner no. 1 (Ravindra Yadav) of giving iron rod blow on the head of Munna Kumar, his anticipatory bail application stands rejected.



7. So far as the other two petitioners namely Surendra Yadav and Lalsa Yadav are concerned, considering the fact that the injury is on the finger in case of petitioner no. 3 and against petitioner no. 2 there is allegation of having caught hold of informant, this Court is inclined to extend them privilege of anticipatory bail with conditions.

8. Let the petitioner No. 2 (Surendra Yadav) and petitioner No. 3 (Lalsa Yadav) be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, West Champaran, Bettiah in connection with Bairiya P.S. Case No. 01 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner No. 2 (Surendra Yadav) and petitioner No. 3 (Lalsa Yadav) who shall provide official document to show their bona fide;

(ii) the petitioner No. 2 (Surendra Yadav) and petitioner No. 3 (Lalsa Yadav) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond



by the Trial Court itself;

(iii) the petitioner No. 2 (Surendra Yadav) and petitioner No. 3 (Lalsa Yadav) shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner No. 2 (Surendra Yadav) and petitioner No. 3 (Lalsa Yadav) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner No. 2 (Surendra Yadav) and petitioner No. 3 (Lalsa Yadav) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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