

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.45221 of 2024

Arising Out of PS. Case No.-509 Year-2023 Thana- ATRI District- Gaya

1. Dhirendra Kumar SON OF Akhilesh Yadav @ Akhilesh Prasad @ Akhil Prasad Village- Gohchak PS- Atri District -Gaya
2. YUGAL KISHORE YADAV @ YUGAL KISHORE PRASAD @ YUGAL KISHORE SON OF LATE TULSI YADAV Village- Gohchak PS- Atri District -Gaya
3. YOGENDRA PRASAD @ YOGENDRA YADAV @ YOGENDRA PRASAD YADAV SON OF YUGAL KISHORE YADAV @ YUGAL KISHORE PRASAD @ YUGAL KISHORE Village- Gohchak PS- Atri District -Gaya
4. LAKSHMAN YADAV @ LAKSHMAN KUMAR SON OF YOGENDRA PRASAD @ YOGENDRA YADAV @ YOGENDRA PRASAD YADAV Village- Gohchak PS- Atri District -Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan
For the Opposite Party/s : Mr. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 2 24-07-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. Learned counsel for the petitioners submits that during the pendency of this application, the petitioner nos. 2 and 3 have been arrested. Accordingly, he seeks permission to withdraw this application with regard to the petitioner nos. 2 and 3.



3. Permission is granted.
4. This application, in respect of the petitioner nos. 2 and 3, is dismissed as withdrawn.
5. This application, for grant of anticipatory bail, on behalf of the petitioner nos. 1 and 4 arises out of Atri Police Station Case No. 509 of 2023, dated 15.11.2023, disclosing offences under Sections 147/148/149/341/323/325/307/379/504/506 of the Indian Penal Code.
6. The prosecution case, on the basis of the First Information Report, is that on 13.11.2023, in the morning, while the informant was sitting at his door, petitioners, along with other accused persons, armed with weapons, arrived there, abused the informant and assaulted the informant's son and nephew. The petitioner no. 1, along with accused person Akhilesh Yadav, assaulted the informant's son due to which he sustained thumb injury and the petitioner no. 4 assaulted informant's nephew by means of iron rod.
7. Learned counsel for the petitioner nos. 1 and 4 submits that both the parties are agnates and there is dispute regarding partition of a piece of land, which is claimed by the side of the informant and petitioners. There was free



fight due to the land dispute and a counter case has been lodged by the side of the petitioners, bearing Atri Police Station Case No. 504 of 2023, which is prior to the case lodged by the informant. Injury caused to the informant's nephew is simple in nature and the son of the informant has sustained injury on his thumb which is not a vital part of the body.

8. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnates, there is land dispute between them, case and counter case is also there and injury caused to the informant's son and nephew are not serious in nature, I am not inclined to grant the petitioner nos. 1 and 4 privilege of anticipatory bail.
9. Accordingly, the anticipatory bail application, in respect of petitioner nos. 1 and 4, is allowed.
10. Let the petitioner nos. 1 and 4, above named, in the event of their arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection



with Atri Police Station Case No. 509 of 2023, subject to
the condition laid down under Section 438 (2) of the Code
of Criminal Procedure.

(Anil Kumar Sinha, J)

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