

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43104 of 2024

Arising Out of PS. Case No.-7 Year-2024 Thana- GARHI District- Jamui

1. Sahdev Yadav Son Of Late Balo Yadav R/O- Village- Darima, P.S.- Garhi, Distt.- Jamui
2. Sanjay Yadav Son Of Sahdev Yadav R/O- Village- Darima, P.S.- Garhi, Distt.- Jamui
3. Kuldeep Yadav @ Rohit Yadav Son Of Sahdev Yadav R/O- Village- Darima, P.S.- Garhi, Distt.- Jamui
4. Mukesh Yadav @ Chunchun Yadav Son Of Sahdev Yadav R/O- Village- Darima, P.S.- Garhi, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Ruchi Mandal with
		Ms. Dimpal Kumari, Advocates
For the Opposite Party/s	:	Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor (for brevity ‘APP’) for the State.

2. The petitioners apprehend their arrest in connection with Garhi P.S. Case No. 07 of 2024 dated 21-01-2024, instituted for the offence punishable under Sections 147,149, 341, 323, 307, 379 and 354B of the Indian Penal Code.

3. The prosecution case, in short, is that on 21-01-2024 at about 6.30 AM, petitioners along with co-accused persons variously armed went to the house of the informant and caused ruckus. Further allegation is that all of a sudden accused



persons started beating them and it is alleged that petitioner No.1, viz., Sahdev Yadav inflicted axe blow on the head of one of the persons of the informant, on account of which, he sustained injury over his forehead to left eye. It is further alleged that when the informant intervened petitioner no.2 viz., Sanjay Yadav assaulted the informant by means of iron rod causing injury on his head. It is alleged that when one Yogendra Yadav came to rescue the informant, petitioner No.3, viz., Rohit Yadav assaulted Yogendra Yadav by means of iron rod on his head causing head injury. It is further alleged that petitioner no.4 viz., Chunchun Yadav assaulted Sunil Yadav by means of *lathi* on his head, as a result of which, he sustained head injury. Further, the accused persons abused and threatened them. When the informant's wife Soni Devi came there to rescue then Pancha Devi, Guriya Devi and Savita Devi assaulted her and snatched gold chain from the neck of Sarita Devi, the *Bhabhi* of the informant and torn her blouse.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that this is predominantly a case of land dispute in which case and counter case has been lodged by both sides. It is further submitted that wife of petitioner No.4



also lodged Garhi P. S. Case No. 08 of 2024 dated 22-01-2024, under Sections 147,149, 341, 323, 307, 379, 448 and 354(B) of the Indian Penal Code against the informant's side for the same occurrence. It is next highlighted that the injuries that are alleged in the FIR are not corroborated by the injury report that is available on record. Both parties have sustained injuries. From perusal of the injury report, which is annexed as Annexure-3 series to the bail petition, it would appear that Sanjay Yadav (petitioner No.2) has sustained three injuries, out of which, two injuries i.e., injury Nos. 2 and 3 are grievous in nature, caused by hard and blunt substance. On the other hand, injury report of the prosecution side shows that all the injured have received simple injury. Lastly, it is submitted that petitioner No.4 has no criminal antecedents whereas, petitioner Nos. 1, 2 and 3 have one criminal case against them.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Garhi P.S. Case No. 07 of 2024, they shall be released on anticipatory bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Jamui, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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