

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42474 of 2024

Arising Out of PS. Case No.-169 Year-2022 Thana- SUIYA District- Banka

1. Neval Yadav @ Naval Yadav (Male), aged about 25 years, Son of Chandrika Yadav @ Chandika Yadav
2. Chandrika Yadav @ Chandika Yadav, Male, aged about 52 years, son of Tipan Yadav, both resident of village- Biajudih, Police Station- suiya, District- Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-07-2024 Heard Mr. Praveen Kumar, learned counsel appearing on behalf of the petitioners and Dr. Mrityunjaya Kr.Gautam, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Suiya P.S. Case No. 169 of 2022 registered for the offence(s) punishable under Sections 341, 323, 307, 325, 504 and 506/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, due to land dispute, petitioners along with other accused persons, had assaulted the informant and his family members, due to which, father and brother of the informant had sustained injuries on their head.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. General and omnibus allegation has been levelled against the petitioners. There is case and counter case between the parties. Both the parties had entered into fierce fight over the admitted land dispute, in which, the petitioners may have caused some injury on the person of the informant and informant side without any intention, in their self defence. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that general and omnibus allegation has been levelled against the petitioners. There is case and counter case between the parties. Both the parties had entered into fierce fight over the admitted land dispute, in which, the petitioners may have caused some injury on the person of the informant and informant side without any intention, in their self defence. Petitioners have clean antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on



pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Banka, in connection with Suiya P.S. Case No. 169 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. **The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will lose its force automatically.**

(Purnendu Singh, J)

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