

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43485 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- CHOUTARWA District- West
Champaran

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1. Umalal Yadav Son of Raja Yadav Resident of Village - Bathwariya, Police Station - Bathwariya, District - West Champaran.
 2. Raja Yadav Son of Late Mohan Yadav Resident of Village - Bathwariya, Police Station - Bathwariya, District - West Champaran.
 3. Yamuna Yadav Son of Late Mohan Yadav Resident of Village - Bathwariya, Police Station - Bathwariya, District - West Champaran.
 4. Madan Yadav Son of Late Hota Yadav Resident of Village - Bathwariya, Police Station - Bathwariya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Milind Kumar Mishra, Advocate
For the State : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 06-08-2024 Heard learned counsels for the parties.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 325, 307 and 379 of the Indian Penal Code.

3. The prosecution case in brief is that on 02.12.2023 at about 12:15 PM, all the F.I.R. named accused persons, including these petitioners, in order to grab the ancestral property of informant, were constructing house over the said land and upon protest, all the accused persons armed with lathi, danda and iron rod, rushed to assault informant and his family



members. It is further alleged that Petitioner No. 2 along with another accused person assaulted one Sanjay Yadav and Petitioner No. 3 assaulted one Chandrika Yadav by means of iron rod causing fracture injury on his hand. It is further alleged that Petitioner No. 1 stole Rs. 50,000/- and mobile phone from pocket of one Sanjay Yadav.

4. It is submitted by learned counsel appearing on behalf of the petitioners that on account of land dispute, a scuffle took place between the parties in which both sides sustained injuries. There is case and counter-case between the parties. Moreover, these petitioners and informant are co-sharers of the property in question and allegation of assault is general and omnibus. It is further submitted that Petitioner Nos. 1, 3 and 4 have got no criminal antecedent and Petitioner No. 2 has got one criminal antecedent in which he is on bail.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners and submitted that these petitioners are named in the F.I.R.. It is further submitted that injury caused by Petitioner No. 3 have been opined to be grievous in nature.

6. Considering the aforesaid facts and circumstances, nature of accusation and injuries sustained by the injured, the



prayer for grant of anticipatory bail to Petitioner No. 3 is rejected.

7. So far as Petitioner Nos. 1, 2, and 4 are concerned, considering the aforesaid facts and circumstances, case and counter-case between the parties, nature of accusation and injuries sustained by the injured, the prayer for grant of anticipatory bail to Petitioner Nos. 1, 2 and 4 is allowed.

8. Accordingly, in the event of arrest/surrender within a period of six weeks from today, let the above named Petitioner Nos. 1, 2 and 4 be enlarged 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 Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran, in connection with Choutarawa (Bathwariya) P.S. Case No. 316 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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