

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43971 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- DEV District- Aurangabad

Kishore Yadav @ Kishor Yadav, Son of Mahangu Yadav, Resident of Village -
Deodhari Bigha, P.S.- Deo, District - Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Advocate
		Mr. Bhaskar Shankar, Advocate
For the State	:	Ms. Rita Verma, Advocate
For the Informant	:	Mr. Kamendra Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2024 Heard Mr. Krishna Prasad Singh, learned Senior Counsel assisted by Mr. Bhaskar Shankar, learned counsel for the petitioner, Mr. Kamendra Prasad Singh, learned counsel for the informant and Ms. Rita Verma, learned APP for the State.

2. The petitioner in this case is seeking anticipatory bail in connection with Deo P.S. Case No. 127 of 2022 registered for the offences punishable under Sections 307, 323, 324, 325, 504, 147, 148, 149 of the Indian Penal Code. He has got two criminal antecedents.

3. Earlier, his prayer for bail was not entertained by this Court for the reason that the petition did not contain complete criminal antecedents. It is stated that the petitioner has got two criminal antecedents, however, he has been acquitted in one of them and he is on bail in another case.



4. As per the prosecution story, on 23.05.2022 while the informant was doing construction work of his house, this petitioner along with other accused persons came there armed with rod, sword and garasa, started abusing him and this petitioner assaulted on the head of Saroj Prajapati with the rod. It is alleged that co-accused Sanjay Yadav assaulted Udho Prajapati by farsa on his head and co-accused Ashok Yadav assaulted the informant with sword as a result of which he sustained injuries on his nose and cheeks. It is also alleged that co-accused Lallan Kumar and Amar Kumar assaulted Ranjan Kumar as a result of which he sustained injury on cheeks, co-accused Ravi Kumar and Sikendra Kumar assaulted Sumitra Devi by rod on her hand and snatched away gold chain and earrings from her neck and ears respectively. It is further alleged that Sikander Kumar and Nagmatia Devi assaulted Santosh Prajapati.

5. Learned counsel for the petitioner submits that in connection with a land dispute both the parties had indulged in a free fight, there is a case and counter case between the parties and it is alleged that this petitioner had assaulted one Saroj Prajapati and had caused one grievous injury, however, later on both the parties have settled their dispute amicably in order to



buy peace and live together.

6. It is submitted that in the given facts and circumstances of the case, the petitioner may be granted privilege of anticipatory bail.

7. Learned counsel for the informant does not dispute that the parties had indulged in a free fight, there is a case and counter case between the parties and they have settled the matter with an intention to buy peace and live together.

8. Learned APP for the State has not taken any specific opposition against the petitioner in view of the statements made on behalf of the informant.

9. Having regard to the aforementioned submissions, the particular submission that the parties have now settled themselves to buy peace and live together and the occurrence had taken place in connection with a land dispute for which the petitioner had indulged in a free fight, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Deo P.S. Case No. 127 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, subject to the



conditions as laid down under Section 438(2) of the Cr.P.C.

10. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

11. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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