

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57732 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- NAUTAN District- West Champaran

1. Sanjit Yadav @ Sanjit Kumar Yadav, aged about 25 years, Male, son of Bala Yadav
 2. Kodai Yadav @ Kudai Yadav, aged about 45 years, Male, son of Firangi Yadav
 3. Prabhu Yadav, aged about 47 years, Male, son of Firangi Yadav
 4. Amit Yadav @ Amit Kumar Yadav, aged about 22 years, Male, son of Kodai Yadav @ Kudai Yadav
 5. Budhan Yadav, aged about 34 years, Male, son of Vishun Yadav
 6. Bachan Yadav @ Lalbachan Yadav, aged about 33 years, Male, son of Shambhu Yadav
 7. Binda Yadav, aged about 54 years, Male, son of Late Jangi Yadav
 8. Anil Yadav, aged about 25 years, Male, son of Prabhu Yadav
- All are Resident of Village- North Telhua, Bhadewa Tola, ward No. 2, PS- Nautan District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Dr. Ajeet Kumar, APP
For the Informant	:	Mr. Anand Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-09-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioners and Mr. Dr. Ajeet Kumar learned APP for the State and Mr. Anand Kumar Mishra, learned counsel for the informant.

2. The petitioners seek pre-arrest bail in connection with Nautan P.S. Case No. 130/2024 registered for the offence(s) punishable under Sections 341, 323, 324, 307, 385,



447 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the dispute relates to a piece of land bearing Khata No.33, Khesra No.1934 measuring an area of 0.2.8 dhurs, allegedly belonging to the informant. Petitioners along with other co-accused forcibly put *Naad* (fodder pot) over the said piece of land and when the same was protested by the informant side, all the accused persons including the petitioners assaulted the informant's grandson and when the two sons of the informant came to quell the disturbance and dispute, the accused persons including petitioner no.4 assaulted the son of the informant namely Balram Yadav with an intention to kill him.

4. Learned counsel appearing on behalf of the petitioners submitted that there is case and counter case between the parties arising out of the same incidence, leading to fierce fight and in the same, both the parties sustained injuries on different parts of the body and their family members were also allegedly assaulted. Petitioners have clean antecedents.

5. Mr. Anand Kumar Mishra, learned counsel, has tendered his appearance on behalf of the informant and vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He submitted that all the accused persons with a



common intention to kill had assaulted the family members of the informant brutally on different parts of the body and as such, the petitioners don't deserve to be released on bail.

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

7. Having considered the rival submission made on behalf of the parties, as well as the fact that there is case and counter case between the parties and due to land dispute, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury to the family members of the informant without intention and also the fact that petitioners have clean antecedents, **learned District Court is directed to verify the injury report of the victims and if it is found that the injury sustained by the victims is simple in nature and not attributable to any petitioners then in that case, 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 six 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 SDJM, West Champaran in connection with Nautan P.S. Case No. 130/2024, subject to the conditions



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

8. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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