

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.56785 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- ITARHI District- Buxar

1. KAMAL NARAYAN SINGH @ CHHOTAK YADAV SON OF RAJENDRA PRASAD SINGH @ RAJENDRA YADAV R/V- VILLAGE- BHITI HARA, P.S.- ITADHI, DISTT.- BUXAR
2. RAJENDRA SINGH YADAV @ RAJENDRA PRASAD @ RAJENDRA PRASAD SINGH SON OF LATE NANDKISHORE YADAV R/V- VILLAGE- BHITI HARA, P.S.- ITADHI, DISTT.- BUXAR
3. OMKARNATH YADAV @ OMKAR NATH SINGH SON OF RAJENDRA YADAV @ RAJENDRA PRASAD SINGH R/V- VILLAGE- BHITI HARA, P.S.- ITADHI, DISTT.- BUXAR
4. VIVEK YADAV @ VEVEK KUMAR SON OF BABURAM YADAV @ BABU RAM YADAV R/V- VILLAGE- BHITI HARA, P.S.- ITADHI, DISTT.- BUXAR
5. VIKASH YADAV @ VIKASH SINGH SON OF SHAMU YADAV R/V- VILLAGE- BHITI HARA, P.S.- ITADHI, DISTT.- BUXAR
6. ASHUTOSH KUMAR @ VICKY YADAV @ VICKY ASHUTOSH YADAV SON OF ONKAR NATH YADAV @ OMKARNATH YADAV R/V- VILLAGE- BHITI HARA, P.S.- ITADHI, DISTT.- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan  
For the Opposite Party/s : Mr.Anish Chandra  
For the informant : Mr. Vibhuti Kumar  
Mr. Gopal Jee Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA  
ORAL ORDER

- 2      04-09-2024      1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Itarhi Police Station Case No. 112 of 2024, dated 11.06.2024, disclosing offences punishable under



Sections 14/149/341/323/308/504/506/34 of the Indian Penal Code.

3. The prosecution case, as per the First Information Report, is that while the informant was sitting at his door, his son informed him that the petitioners and 20 to 25 other persons, were erecting boundary wall on the disputed land. After hearing this, the informant went along with his brother, son, grand-daughter and other family members, to the place of occurrence, where all the accused persons started assaulting the informant and others brutally, due to which Asjad Ansari and Mohabbat Hussain sustained injuries.
4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute between the informant and the side of the petitioners. The First Information Report lodged by the informant is subsequent in time inasmuch as on the same date, i.e. on 11.06.2024, the side of the informant along with other persons arrived at the disputed land and assaulted the petitioner no. 1 and his family members. The First Information Report lodged by the petitioner no. 1 is prior in time to the present First Information Report.



In the free fight, both sides have sustained injuries. Tile Suit No. 99 of 1998 is pending between the parties and in the Demarcation Case No. 127 of 2022-23, the order was passed by the Circle Officer, Itarhi, in favour of the petitioner, which was challenged in appeal by the informant, bearing Demarcation Appeal No. 20 of 2022-23 before the D.C.L.R., Buxar and the same has been dismissed by the D.C.L.R., Buxar.

5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for bail and submits that from perusal of the impugned order, it would be evident that the learned 7<sup>th</sup> Additional Sessions Judge, Buxar, has taken note of the injuries and has expressed surprise as to how the case was lodged under Section 308 of the Indian Penal Code and not under Section 307 of the Indian Penal Code.
6. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the First Information Report lodged by the petitioner no. 1 is prior in time, there is admitted land dispute between the parties, title suit is also pending and the side of the petitioners have also sustained injuries due to the assault



made by the informant, I am inclined to grant the petitioners privilege of anticipatory bail.

7. This application is, accordingly, allowed.
8. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Itarhi Police Station Case No. 112 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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