

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57837 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- Hathiyav District- Sheikhpura

1.

Lalu Yadav Son of Late Rameshwar Yadav R/O Vill.- Sarmaidan, P.S.- Hathiyawan, Dist.- Sheikhpura.
2.

Mithu Yadav Son of Lalu Yadav R/O Vill.- Sarmaidan, P.S.- Hathiyawan, Dist.- Sheikhpura.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Aditya Narayan Singh.1

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 Hathiyawan Police Station Case No. 25 of 2024, dated 12.05.2024, disclosing offences under Sections 147/341/323/324/379/354/307/504 of the Indian Penal Code.

3.

The prosecution case, as per the First Information Report, is that on 12.05.2024, in the afternoon, all the accused persons, including the petitioners, entered into the house of the informant, abused him and when objected, the petitioner no. 1 assaulted him by means of lathi on his



head.

4. Learned counsel for the petitioners submits that both the parties are co-sharer and there is land dispute between them. The petitioner no. 1 is the own brother and petitioner no. 2 is nephew of the informant. There is no specific allegation of assault against the petitioner no. 2. He next submits that the present petitioner no. 1 has lodged First Information Report, bearing Hathiyawan Police Station Case No. 24 of 2024, for the occurrence which took place on the same date and time and First Information Report lodged by the side of the petitioners is prior in time. From the injury report, annexed at Annexure-P/3, it appears that injury of abrasion and swelling of 0.5 X 0.5 cm has been sustained by the informant above his right eyebrow which is not serious in nature.
5. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are co-sharer and there is land dispute between them, case and counter-case is also there, the petitioners and informant are own brother and nephew and the injuries caused to the informant is not serious in nature, I



am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, Lalu Yadav and Mithu Yadav, in the event of their arrest or surrender before the Court below within four weeks, be released 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 Chief Judicial Magistrate, Sheikhpura, in connection with Hathiyawan Police Station Case No. 25 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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