

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60782 of 2024

Arising Out of PS. Case No.-308 Year-2023 Thana- TILAUTHU District- Rohtas

1. Vinod Yadav,
2. Pramod Yadav
- Both are S/O Late Vigan Yadav Resident of Village- Maharajganj, P.S- Tilauthu, Distt.- Rohtas (Sasaram).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-10-2024

1. Heard learned counsel for the parties.

2. The petitioners in this application pray for bail apprehending their arrest in connection with Tilauthu P.S. Case no.308 of 2023 registered for the offence punishable under sections 307, 379, 147, 149, 341, 323, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, seven named accused persons including the two petitioners herein came variously armed and as a result of land dispute between the parties, it is stated that the accused started to abuse the informant and the members of his family. On the informant protesting, it is stated that the petitioner and Vikash Yadav struck the informant with a



lathi on his head while co-accused Pramod Yadav struck the mother of the informant with a tangi.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case because of land dispute between the parties which would be evident from the FIR itself. The injury on the informant has been found to be simple in nature. So far as the allegation of assault on the mother of the informant is concerned, though the injury has been found to be grievous, the manner of occurrence is other than what has been narrated in the FIR. The co-accused Vikash Yadav has been enlarged on regular bail vide order dated 4.6.2024 passed in Cr. Misc. no.40116 of 2024.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the allegation of assault by the two petitioners herein on the informant as also the mother of the informant, the corresponding injuries found and Vikash Yadav having been enlarged on regular bail and not on anticipatory bail, the Court is not inclined to enlarge the petitioners on anticipatory bail and the application is rejected.



7. The petitioners are directed to surrender in the learned Court below within a period of four weeks.

8. It is made clear that in case the petitioners surrender and pray for regular bail within the aforesaid period, so far as the application for regular bail of Vinod Yadav is concerned, the same shall be considered on its own merits without being prejudiced by the order of this Court and taking into consideration that a similarly situated co-accused Vikash Yadav has already been enlarged on regular bail as stated above.

(Partha Sarthy, J)

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