

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59616 of 2024

Arising Out of PS. Case No.-345 Year-2020 Thana- PHULPARAS District- Madhubani

1. Yugat Lal Yadav, Male, aged about 49 years, son of Bahadur Yadav
2. Laxmi Yadav, Male, aged about 43 years, son of Bahadur Yadav
Both residents of Village- Sitapatti, P.S. -Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti, Advocate
For the Opposite Party/s : Ms.Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Mr. Jitendra Bharti, learned counsel

appearing on behalf of the petitioners and Ms. Anita Kumari

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Phulparas P.S. Case No. 345/2020 registered for the
offence(s) punishable under Sections 447, 341, 323, 324, 307,
379, 354, 504/34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused
persons named therein including the petitioners have assaulted
the informant and his family members. Specific allegation
against petitioner no.1 is that he had assaulted the son of the
informant on his head and hand with an intention to kill him by
means of *axe* and allegation against petitioner no.2 is of



snatching gold chain worth Rs.45,000/- of one Ashbhagni Devi.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in a false case. There is case and counter case between the parties arising out of same incidence 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 on the person of the informant's son without intention. The injury no.1 and 2 sustained by the informant's son is found to be simple in nature, whereas opinion has been reserved with regard to injury no.3.

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

6. Considering the nature of allegation made in the FIR and also 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 on the person of the informant's son, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or



surrender before the learned District Court within a period of four 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 Additional Chief Judicial Magistrate, -II, Jhanjharpur, District, Madhubani in connection with Phulparas P.S. Case No. 345/2020, 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 antecedents 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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