

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72386 of 2024

Arising Out of PS. Case No.-80 Year-2020 Thana- BIRAUL District- Darbhanga

-
1. Premtosh Yadav, Son of Kamal Narayan Yadav, Resident of Village- Neori Tola Dath, PS- Biraul, District- Darbhanga
 2. Kamal Narayan Yadav @ Kamal Yadav, Son of Late Gabga Yadav, Resident of Village- Neori Tola Dath, PS- Biraul, District- Darbhanga
 3. Upendra Yadav, Son of Ganga Ram Yadav, Resident of Village- Neori Tola Dath, PS- Beraul, District- Darbhanga
 4. Diltosh Yadav @ Diltosh Rai, Son of Kamal Narayan Yadav, Resident of Village- Neori Tola Dath, PS- Beraul, District- Darbhanga
 5. Kaushal Kumar, Son of Kamal Narayan Yadav, Resident of Village- Neori Tola Dath, PS- Beraul, District- Darbhanga
 6. Rajgeer Yadav, Son of Mahendra Yadav, Resident of Village- Neori Tola Dath, PS- Beraul, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 10-12-2024 Heard learned counsel for the petitioners and Mr. Ahmad Ali, learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Biraul P.S. Case No.80 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 323, 354(B), 307 and 504 of the Indian Penal Code.

3. The case of the prosecution is that, in short, is that the informant was working on his purchased land. His neighbour



Kamal Yadav was having no objection on it. Before constructing the house Kamal Yadav has objected but with the intervention of the police that issue was resolved. On the date of occurrence, all the petitioners along with others being armed with lathi-danda, farsa started demolishing the wall which was erected by the informant. When the informant objected Kamal Yadav assaulted with farsa on the head of Ajay Kumar Sahni. After this, Kailash Yadav assaulted with iron rod on the head of the informant and rest of the accused persons assaulted the informant with lathi-danda. Premtosh Yadav assaulted with lathi to one Ram Prasad Sahni. Channi Yadav assaulted with iron rod to one Arjun Kumar.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. It is further submitted that police has not found the case true under Section 307 of the I.P.C. whereas the learned C.J.M. has preferred from the opinion of the police and has taken cognizance under Section 307 of the I.P.C. It is also submitted that for the consideration of bail, order of cognizance is not a material rather the material is the statements of witnesses and other things which are collected during investigation. From perusal of the injury report, it is clear that in this occurrence altogether 4-5 persons have received injuries but the nature of injury of most of the



victims is simple. One Upendra Sahni has received one grievous injury but Kamal Yadav is having the allegation to assault him not the petitioners. Regarding criminal antecedent, it has been submitted that the petitioners are having antecedents but the cases are between the same parties and petitioners are on bail in those cases.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Baraul P.S. Case No. 80 of 2020, they will be enlarged on bail 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 Judicial Magistrate 1st Class, Biraul, Darbhanga, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

lata/-

U		T	
---	--	---	--

