

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75612 of 2024

Arising Out of PS. Case No.-153 Year-2024 Thana- BAIRIYA District- West Champaran

1. Dhananjay Yadav @ Dhananjay Kumar Yadav Son of Rajkumar Yadav Resident of Bairiya Tad Tola, P.S. - Bairiya, District - West Champaran
2. Ramesh Yadav @ Ramesh Kumar Yadav Son of Rajkumar Yadav Resident of Bairiya Tad Tola, P.S. - Bairiya, District - West Champaran
3. Harendra @ Harendra Kumar Son of Lakshuman Yadav @ Laxman Yadav Resident of Bairiya Tad Tola, P.S. - Bairiya, District - West Champaran
4. Ramchandra @ Ramchandar Yadav Son of Raghunath Yadav Resident of Bairiya Tad Tola, P.S. - Bairiya, District - West Champaran
5. Devendra Yadav Son of Late Achchheber Yadav Resident of Bairiya Tad Tola, P.S. - Bairiya, District - West Champaran
6. Sikandar Yadav Son of Late Achchheber Yadav Resident of Bairiya Tad Tola, P.S. - Bairiya, District - West Champaran
7. Rajkumar Yadav Son of Late Bhola Yadav Resident of Bairiya Tad Tola, P.S. - Bairiya, District - West Champaran
8. Shreenath Yadav @ Shivnath Yadav Son of Late Bhola Yadav Resident of Bairiya Tad Tola, P.S. - Bairiya, District - West Champaran
9. Bharat Yadav Son of Late Bhola Yadav Resident of Bairiya Tad Tola, P.S. - Bairiya, District - West Champaran
10. Rajesh Yadav Son of Bharat Yadav Resident of Bairiya Tad Tola, P.S. - Bairiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 11-11-2024 Heard Learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Bairiya P.S. Case No.153 of 2024, registered



for the offences punishable under Sections 147/149/341/323/324/325/307/435/379/504/506 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against fourteen named accused persons including the present petitioners with allegation that they have reached at the land of the informant and made the hut. Scuffling took place and the petitioners had attacked on the informant and others, due to which some persons were injured. Names were specifically mentioned in the FIR.

4. Learned Counsel for the petitioners submits that it has been specifically pleaded in paragraph-7 of the bail application that it is the land of the petitioners recorded in the name of grand-father of petitioner No.4 Bhanu Gope bearing Khata No.177, Plot No.1867, which the informant side want to capture and it is due to this reason they have reached on the plot of petitioner No.1. On opposed by the petitioners scuffling took place on the said land and free-fight occurred from both the sides. In result, case and counter case for the same date and place of occurrence has been lodged. The present case has been filed by the informant side whereas the petitioners side has also filed case bearing Bairiya P.S. Case No.154 of 2024. Counsel



submits that injury report is also annexed. All the injuries were simple in nature as mentioned except a few one. Counsel submits that at this juncture one thing is very much clear that land belong to petitioner side on which the informant and others reached to capture. Counsel submits that the antecedent of petitioner Nos.1, 2, 3 and 5 are clean, petitioner No.6 is accused in one complaint case in which he is on bail and petitioner Nos.4, 7, 8, 9 and 10 are accused in one more case, which was lodged by the cousin of the informant's father. In the said case also the concerned accused persons are on bail.

5. Learned Additional Public Prosecutor for the State opposes the prayer for anticipatory bail and submits that in the FIR itself injury has been shown which is supported by the injury report annexed. Some of the injuries are simple and some are grievous.

6. In the present facts and circumstances of the case, the petitioners, above named, are directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs.30,000/- (Three Thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M., 3rd , Bettiah, West Champaran, in connection with



Bairiya P.S. Case No.153 of 2024, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

(Dr. Anshuman, J)

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