

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77708 of 2023

Arising Out of P.S. Case No.-268 Year-2022 Thana- DHAMDAHA District- Purnia

1. Kulanand Yadav, Son of Late Raudi Yadav, Resident of Village- Nirpur, P.S.- Dhamdaha, District- Purnea
2. Rajo Yadav @ Raj Kumar Yadav, Son of Kulanand Yadav, Resident of Village- Nirpur, P.S.- Dhamdaha, District- Purnea
3. Shiv Narayan Yadav @ Surya Narayan Yadav, Son of Janak Lal Yadav @ Surya Narayan Yadav, Resident of Village- Leela, P.S.- Dhamdaha, District- Purnea

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Kumar Uday Singh, Advocate
For the State	:	Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Dhamdaha P.S. Case No. 268 of 2022 registered for the offences punishable under Sections 147, 148, 149, 323, 379, 354B, 307, 504 and 506 of the Indian Penal Code. They have no criminal antecedent.

3. As per the prosecution story, on 21.09.2022 at about 02:30 P.M. the FIR named accused persons including these petitioners were forcibly constructing a brick wall around the land of the informant. When the informant protested, all the accused persons assaulted her and her family members who had



come to save her. There is specific allegation of assault on petitioner no. 2 who assaulted the mother-in-law of the informant on her left leg. Petitioner No. 2 also tried to molest the informant.

4. Learned counsel for the petitioners submits that the parties have an admitted land dispute. It is further submitted that there is case and counter case between the parties and both the parties have indulged in free fight and both parties have sustained injuries.

5. Learned counsel further submits that the injuries sustained by the informant in this case are simple in nature.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Having regard to the facts and circumstances of the case wherein the parties are having an admitted land dispute, there is a case and counter case between the parties and both the parties are said to have indulged in a free fight causing injuries to each other, the injuries caused to the victims in this case are said to be simple in nature, the petitioners have otherwise no criminal antecedent, in the circumstances, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above-named shall be released on



bail in connection with Dhamdaha P.S. Case No. 268 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M, Purnea, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

lekhi/-

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

