

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77251 of 2023**

Arising Out of PS. Case No.-333 Year-2023 Thana- SAUR BAZAR District- Saharsa

1. Bijendra Yadav @BIJEN Yadav S/o Kamo Yadav R/o Vill - Bakhri, Ward No. 13, P.S. - Sour Bazar, Dist - Saharsa, Bihar
2. Ajay Yadav S/o Kamo Yadav R/o Vill - Bakhri, Ward No. 13, P.S. - Sour Bazar, Dist - Saharsa, Bihar
3. Pintu Yadav S/o Kamo Yadav R/o Vill - Bakhri, Ward No. 13, P.S. - Sour Bazar, Dist - Saharsa, Bihar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH**

ORAL ORDER

2      09-01-2024      Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Sour Bazar P.S Case No. 333 of 2023 dated 19.06.2023 registered for the offence punishable u/s 323, 341, 379, 354, 307, 504 and 506 read with 34 of the Indian Penal Code.

4. As per the prosecution case, on 17.06.2023 at



about 08:00 a.m., while the informant was leveling land near his door, then the co-accused persons along with the petitioners holding lathi, danda and iron rod attacked him. The petitioner no.1 assaulted the informant with iron rod on his head which hit below the eye due to which he fell down and became unconscious. When the brother of the informant came to save him, the petitioner no.2 assaulted him by iron with rod on his head due to which he also fell down and became unconscious. On hearing alarm, Amlesh came to save them, the petitioner no.3 assaulted Amlesh with lathi on the leg. On alarm, the father and the wife of the informant came to save then the co-accused Kamo Yadav assaulted his father with lathi on his hand.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that doctor has found the injuries to be simple in nature. Learned counsel has further submitted that the present F.I.R. is nothing but the counter blast of Sour Bazar P.S. Case No. 337 of 2023. It is further submitted that there is land dispute between the parties. It is further submitted that the parties are own gotiya and part of



the same undivided family. Learned counsel has further submitted the petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the injuries being simple in nature, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Saharsa in connection with Sour Bazar P.S Case No. 333 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

**(Chandra Prakash Singh, J)**

Nilmani/-

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