

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85552 of 2023

Arising Out of PS. Case No.-410 Year-2023 Thana- FATEHPUR District- Gaya

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1. RAJESH YADAV @ RAJESH KUMAR, aged about 37 years, Male, S/O JAYNANDAN YADAV
 2. GIRJESH KUMAR YADAV @ GIRJESH KUMAR, aged about 23 years, Male, S/O JAYNANDAN YADAV
Both are resident of VILLAGE- NAUDHIHA JHURANG, PS. FATEHPUR, DIST. GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 80776 of 2023

Arising Out of PS. Case No.-410 Year-2023 Thana- FATEHPUR District- Gaya

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1. DULARCHAND YADAV, aged about 71 years, Mael, S/O VIRAYADAV @ MAHABIR YADAV
 2. AKHILESH YADAV @ AKHILESH DULAR CHAND YADAV, aged about 31 years, male, S/O DULARCHAND YADAV
 3. SHIVNANDAN YADAV, aged about 24, S/O DULARCHAND YADAV
All are R/O VILLAGE- NAUDIHA JHURANG, PS. FATEHPUR, DIST. GAYA
 4. MAHINDRA YADAV @ MAHINDRA KUMAR, aged about 25 years, S/O LATE DAHAN YADAV
 5. LAWKUSH @ LOVKUSH KUMAR, aged about 19 years, male, S/O LATE DAHAN YADAV, resident of VILLAGE- BEGAI, PS. FATEHPUR, DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 85552 of 2023)

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

For the informant : Mr. Satyaveer, Advocate

(In CRIMINAL MISCELLANEOUS No. 80776 of 2023)

For the Petitioner/s : Mr. Sheikh Arkan Ahmad, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

For the informant : Mr. Satyaveer, Advocate



CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-04-2024 Both the bail applications are heard together and are being disposed of by a common order, as both the bail applications arise out of same p.s. case number.

2. Heard Mr. Sheikh Arkan Ahmad, learned counsel appearing on behalf of the petitioners, Mr. Ajay Kumar Jha, learned APP for the State and Mr. Satyaveer, learned counsel for the informant.

3. The petitioners seek pre-arrest bail in connection with Fatehpur P.S. Case No. 410 of 2023 registered for the offence(s) punishable under Sections 341, 323, 307, 504, 34 of the Indian Penal Code.

4. As per the allegation made in the FIR, all the accused persons named therein including the petitioners assaulted the informant and his family members, in which all of them sustained injuries.

5. Learned counsel appearing on behalf of the petitioners submitted that due to land dispute, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners, without intention, may have caused some injury on the person of the informant and his family members.



6. Mr. Satyaveer, learned counsel, has tendered his appearance on behalf of the informant and has supported the allegation made in the FIR. He submitted that all the accused persons named in the FIR including the petitioners with a common intention to kill the informant and his family members, had assaulted them. He, however, accepts that the injury sustained by all the victims are simple in nature.

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

8. Considering the nature of allegation, as well as the fact that due to land dispute, both the parties had entered into fierce fight, in which, both the sides sustained injuries in which the petitioners in their self-defence, without intention, might have caused some injuries to the informant and his family members, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

9. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below 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 A.C.J.M, Xth, Gaya in connection with



Fatehpur P.S. Case No. 410 of 2023, subject to the conditions as
laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Sanjay/-

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