

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81242 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- PARAIYA District- Gaya

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1. Mathura Yadav, S/o Gauri Yadav, R/o Vill-Inguni Tola, Maharajganj, P.S.-
Paraiya, District - Gaya
 2. Uday Kumar, S/o Mathura Yadav, R/o Vill-Inguni Tola, Maharajganj, P.S.-
Paraiya, District - Gaya
 3. Reeta Devi, W/o Uday Kumar, R/o Vill-Inguni Tola, Maharajganj, P.S.-
Paraiya, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Mr. Mrityunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-12-2024 Heard Mr. Durgesh Nandan, learned Advocate

appearing on behalf of the petitioners and the learned Additional

Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection
with Paraiya P.S. Case No. 157 of 2024, registered for the
offences punishable under Sections 341, 323, 324, 325, 307,
504, 506 and 34 of the Indian Penal Code.

3. Allegedly on the fateful day while the accused
persons were forcibly trying to construct a house over the land,
and when protest was made by the informant and others, in the
mean time, all the FIR named accused persons including the



petitioners brutally assaulted the informant and others, due to which they sustained injuries. It is specifically alleged that co-accused Pramod Kumar assaulted the nephew of the informant by means of khanti, due to which he sustained fracture injury in his finger. Allegation against petitioner no. 3 is that she assaulted the brother-in-law of the informant by means of sword, due to which he sustained severe injury on his back side. There is allegation of causing *lathi* blow against the petitioner no. 1.

4. Learned Advocate appearing on behalf of the petitioners referring to the FIR primarily contended that *prima facie* the genesis of the occurrence is a land dispute, resulting into case and counter case bearing Paraiya P.S. Case no. 158 of 2024 instituted by the petitioner's side. It is further contended that, in fact, on account of land dispute, both the parties have entered into free fight, resulting into injuries to persons of both the side. So far the injuries sustained to the Chandrika Yadav is concerned, the same has been found to be lacerated, caused by hard and blunt substance and simple in nature and, as such, doesn't corroborate the prosecution case. The allegation of causing injury leading to fracture of the finger, is leveled against Pramod Kumar, who is not before this Court. So far the



petitioner no. 1 is concerned, he is having two criminal antecedents whereas, the petitioner nos. 2 and 3 have one criminal antecedent. However, the criminal cases are also offshoot of the dispute between the parties.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the petitioners have brutally assaulted the informant and his family members, leading to serious injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation against the petitioner nos. 1 and 2. So far the allegation against petitioner no. 3 is concerned, the same does not corroborate with the injury report, coupled with the case and counter case and the genesis of occurrence i.e. a land dispute, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class in connection with Paraiya P.S. Case No. 157 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close



family members of the petitioners.

(Harish Kumar, J)

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