

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2272 of 2024

Arising Out of PS. Case No.-491 Year-2023 Thana- MAKHDUMPUR District- Jehanabad

1. Vijay Yadav Son Of Ramprit Yadav Resident Of Village - Supi, P.S. - Makhdumpur (Tehta O.P.), District - Jehanabad
2. Aughad Kumar @ Aughad Son Of Vijay Yadav Resident Of Village - Supi, P.S. - Makhdumpur (Tehta O.P.), District - Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 31-01-2024 Heard Mr. Paras Nath, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 491 of 2023, registered for the offences punishable under Sections 341, 323, 504, 506, 325 and 307/34 of the Indian Penal Code.

3. The prosecution case, based upon the written report alleges that the petitioners were trying to forcefully obtain the share in the land which was purchased by the informant. In the said course the petitioners also assaulted the informant with lathi and danda due to which he suffered serious injuries.



4. Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that the allegation leveled against the petitioners is of general and omnibus. Moreover the alleged occurrence took place on 09.07.2023 however, the present FIR has been instituted on 11.07.2023 and the delay has not been explained. He next submits that in fact on account of a land dispute, free fight has taken place resulting into injuries to persons of both sides. He next submitted that the injuries sustained to the informant are found to be simple in nature, except one, which has been sustained over the wrist of the informant. Thus, no case is made out under section 307 of the Indian Penal Code. Further submission has been made that there is a counter version of this case which has been instituted by the petitioner no. 1, being Makhdumpur P.S. Case No. 492 of 2023 against the informant and others. He lastly submits that though the petitioner no. 1 has a criminal antecedent but the same is in relation to a family dispute and petitioner no. 2 has got no criminal antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that both the petitioners have brutally assaulted the informant.

6. Regard being had to the submissions made on



behalf of the parties and considering the case and counter case and the omnibus nature of allegation and the fact that the injury which is said to have been grievous is sustained over the non-vital part of the body, let the petitioner 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) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Jehanabad in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 491 of 2023, 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 petitioner.

(Harish Kumar, J)

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