

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2233 of 2024

Arising Out of PS. Case No.-803 Year-2023 Thana- DOBHI District- Gaya

1. Sukhlal Yadav And Others S/O - Mantu Kumar R/O - Vilage- Jamunaiya, P.S.- Sherghati (Dobhi) District - Gaya
2. Jodhan Yadav @ Yodhan Yadav S/O - Dular Yadav R/O - Vilage- Jamunaiya, P.S.- Sherghati (Dobhi) District - Gaya
3. Umesh Yadav S/O - Late Jaglal Yadav R/O - Vilage- Jamunaiya, P.S.- Sherghati (Dobhi) District - Gaya
4. Manoj Yadav S/o - Undil Yadav @ Udil Yadav @ Undin Yadav R/O - Vilage- Jamunaiya, P.S.- Sherghati (Dobhi) District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Sherghati (Dobhi) P.S. Case No. 803 of 2023, registered for the offences punishable under Sections 147, 341, 323, 307, 325, 354, 384, 504 and 506 of the Indian Penal Code.

3. Allegedly, all the FIR named accused persons, brutally assaulted the informant and his family members with deadly weapons, on account of land dispute. It is further alleged



that the accused persons also demanded a ransom of Rs. 50,000/- . On account of the assault, the informant and his family members also sustained serious injuries.

4. It is submitted on behalf of the petitioners that both the parties are own agnates and on account of some dispute, regarding partition, a free fight has taken place between persons of both the sides, resulting into injuries to various persons, including the members of the petitioners side. He next submits that the present case is nothing, but a counter blast to Sherghati (Dobhi) P.S. Case No. 773 of 2023, instituted by the petitioner no. 1 against the informant and other family members. That apart, the alleged occurrence took place on 14.07.2023, however, the fardbeyan was recorded on 19.07.2023, and, as such, the false implication of the petitioners cannot be ruled out. He also submits that though there is specific allegation against the petitioners that they assaulted the informant and others, but all the injuries have been found to be simple in nature, except one, which has been found over the elbow of the informant, moreover, the petitioners have fair antecedent.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioners have actively participated in the crime and



assaulted the informant and others, causing injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the case and counter case and the nature of the injuries, which are found to be simple, except one, which is on non vital part, coupled with the fair antecedent and the fact that both the parties are agnates, 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) **each** with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Sherghati (Gaya) in connection with Sherghati (Dobhi) P.S. Case No. 803 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 petitioners.

(Harish Kumar, J)

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