

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16025 of 2025

Arising Out of PS. Case No.-80 Year-2020 Thana- BIRAUL District- Darbhanga

1. Ashutosh Yadav @ Ashutosh Kumar, Son of Kamal Yadav, Resident of Village-Neori Tola, Dath, P.S. Biraul, District Darbhanga.
2. Channi Yadav @ Bikha Yadav, Son of Muneshwar Yadav, Resident of Village- Neori Tola, Dath, P.S. Biraul, District Darbhanga.
3. Manjit Yadav, Son of Channi Yadav, Resident of Village- Neori Tola, Dath, P.S. Biraul, District Darbhanga.
4. Uday Chandra Yadav, Son of Shankar Yadav, Resident of Village- Neori Tola, Dath, P.S. Biraul, District Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar, Advocate
For the Opposite Party/s : Mr.Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 05-03-2025 Heard Mr. Satya Prakash Parasar, learned counsel for the petitioners and Mr. Mohammad Sufyan, learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Biraul P.S. Case No.80 of 2020 instituted for the offence under Sections 147, 148, 149, 341, 323, 354(B), 307 and 504 of the Indian Penal Code. But charge-sheet has been submitted under Sections 147, 149, 341, 323, 354, 325, 332 and 504 of the Indian Penal Code.

3. The case of the prosecution, in short, is that the



informant was working on his purchased land. His neighbour Kamal Yadav was having no objection on it. Before constructing the house Kamal Yadav has objected but with the intervention of the police that issue was resolved. On the date of occurrence, all the petitioners along with others being armed with *lathi-danda*, *farsa* started demolishing the wall which was erected by the informant. When the informant objected Kamal Yadav assaulted with *farsa* on the head of Ajay Kumar Sahni. After this, Kailash Yadav assaulted with iron rod on the head of the informant and rest of the accused persons assaulted the informant with *lathi-danda*. Premtosh Yadav assaulted with *lathi* to one Ram Prasad Sahni. Channi Yadav assaulted with iron rod to one Arjun Kumar.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. There is admitted land dispute between the parties. The nature of allegation is general and omnibus. There is case and counter case between the parties. It is further submitted that police has not found the case true under Section 307 of the I.P.C. whereas the learned C.J.M. has preferred from the opinion of the police and has taken cognizance under Section 307 of the



I.P.C. It is also submitted that for the consideration of bail, order of cognizance is not a material rather the material is the statements of witnesses and other things which are collected during investigation. From perusal of the injury report, it is clear that in this occurrence altogether 4-5 persons have received injuries but the nature of injury of most of the victims is simple. One Upendra Sahni has received one grievous injury but Kamal Yadav is having the allegation to assault him not the petitioners. A statement has been made in para-3 of this petition that the petitioners have got no criminal antecedent. It has also been submitted that similarly situated co-accused persons have been granted anticipatory bail by this Court vide order dated 10.12.2024 in Cr. Misc. No. 72386 of 2024.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioners.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Baraul P.S. Case No. 80 of 2020, they will be enlarged on bail 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 Judicial Magistrate 1st Class, Biraul, Darbhanga, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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