

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20542 of 2025

Arising Out of PS. Case No.-118 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

1. Surendra Yadav, S/o Late Baleshwar Yadav,
 2. Sharvan Yadav @ Shrawan Yadav, S/o- Late Binda Yadav
 3. Nagina Yadav, S/o- Late Binda Yadav
- All are resident of Village- Bahorma P.S.- Neemchak Bathani, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-04-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. The accused/petitioners are named in the FIR and apprehending their arrest in connection with Neemchak Bathani P.S. Case No.118 of 2024 registered under Sections 341, 323, 307, 354, 337, 338, 379, 504 and 506 read with 34 of the Indian Penal Code.

3. The allegation against the petitioners is to assault the wife of the informant and also his grand daughter during the course of occurrence with intention to cause their death. It is further alleged that during the occurrence, the firing was made on the house of the informant by some of the



co-accused persons. The occurrence alleged to be arising out of land dispute.

4. It is submitted by learned counsel appearing for the petitioners that for same set of occurrence, the petitioners' side also lodged a case against the informant side, which has been registered as Neemchak Bathani P.S. Case No.117 of 2024 dated 06.06.2024. It is pointed out that as occurrence was free fight in nature, therefore, it can be said safely that the petitioners were not under intention to cause their death. Learned counsel further submitted that no injury during the occurrence was caused to the wife of the informant and further no external injury was found upon medical examination of his grand-daughter namely, Archana Bharti. It is pointed out that the anticipatory bail petition of petitioners was rejected by the learned trial court only for the reason that the petitioner no.1 found involved in three criminal cases, petitioner no.2 found involved in four criminal cases and petitioner no.3 found involved in one criminal case despite of availability of all supporting merits. It is submitted that if the merit is otherwise appears convincing in favour of



petitioners, merely on the ground of criminal antecedents, their anticipatory bail cannot be rejected.

5. In support of his submission, learned counsel has relied upon the legal report of Hon'ble Supreme Court as available through **Prabhakar Tewari vs. State of U.P. & Ors. [(2020) 11 SCC 648]**. While concluding argument, it is submitted that both the parties are agnates, where the occurrence took place in the background of land dispute.

6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual and legal submissions and by taking note of the fact as the occurrence *prima facie* appears free fight in nature, where injury also not *prima facie* suggest that same may likely to cause death of injured, as no external injury was noticed upon the injured grand-daughter of the informant as it appears from the impugned order, which further suggest *prima facie* that the anticipatory bail prayer of petitioners were rejected out of their criminal antecedents only, accordingly, the petitioners, above-named, in the event of their arrest or surrender in the court below within a period of four weeks, are directed to be released 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 the learned Judicial Magistrate-1st Class, Gaya in connection with Neemchak Bathani P.S. Case No.118 of 2024, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

Sanjeet/-

U		T	
---	--	---	--

