

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24273 of 2025

Arising Out of PS. Case No.-143 Year-2024 Thana- FESHAR District- Aurangabad

1. Kamta Yadav S/o Late Munshi Yadav Resident of Village- Jhikatiya, P.S.- Fesar, Distt.- Aurangabad
2. Sudama Yadav S/o Kamta Yadav Resident of Village- Jhikatiya, P.S.- Fesar, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Nandan Abhishek, Adv.
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with Fesar
P. S. Case No. 143 of 2024, dated 19-12-2024 instituted for the
offence punishable under Sections 126(2), 115(2), 117(2), 109,
303(2), 352, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita,
2023.

3.The prosecution case, in brief, is that on 16.12.2024
at about 10:30 hours, the informant's younger son, Nikhil
Kumar, had gone to his field. At the same time, several persons,
namely Munna Yadav, Lalan Yadav, Sudama Yadav, Shiv Sankar
Yadav, and Kamta Yadav, armed with rod, pistol, and *garasa*,



started beating the informant's son with an intention to kill him. When his son tried to run away, all the above-named persons brutally assaulted his head, hands, legs, and entire body with sticks and iron rods, as a result of which, his leg and hand were broken, he received 10 blows on his head, and they also took away Rs. 10,000/- and a gold chain. At the same time, the informant, who was going towards his field, was surrounded by all the above-named persons, and they also started assaulting him with sticks and rods.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. It is further submitted that for the same occurrence, petitioner no.1 had earlier lodged an FIR, bearing Fesar P. S. Case No. 142 of 2024, against the informant and others, which was registered prior to the lodging of the present case under Sections 126(2), 115(2), 352, 351(2), 303(2), 109, and 3(5) of the Bharatiya Nyaya Sanhita, 2023. It is further submitted that in the aforesaid occurrence, the petitioners' side also sustained injuries. Two persons from their side suffered injuries out of which the injury sustained by the informant's son is alleged to be grievous in nature, while the informant is said to have sustained simple injury. It is further submitted that both



parties are agnates, and the dispute arises out of ancestral property, due to which the present occurrence took place. The allegations against the petitioners are general and omnibus in nature, with no specific overt act assigned to any petitioner. It is also submitted that persons from the petitioners' side, namely Munna Yadav and Sudama Yadav, sustained injuries during the occurrence and were examined by a doctor. Further submission is that Lalan Yadav, the son of petitioner no.1, also suffered injuries in the said occurrence. The petitioners have no criminal antecedents and are in judicial custody since 23.02.2025. The charge sheet has already been submitted in the present case.

5. Learned A.P.P. has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail 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 CJM, Aurangabad in connection with Fesar P. S. Case No. 143 of 2024.

7. The application stands allowed.

(Khatim Reza, J)

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