

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37504 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- NIMCHAKBATHANI District- Gaya

1. Suresh Yadav @ Suresh Prasad S/O Late Parmeshwar Yadav @ Parameshwar Yadav R/O Vill.- Mirza Bigha, P.s.- Neemchak Bathani, Dist.- Gaya.
2. Biresh Yadav@ Birendra Prasad @ Birendra Yadav S/O Suresh Yadav @ Suresh Prasad R/O Vill.- Mirza Bigha, P.s.- Neemchak Bathani, Dist.- Gaya.
3. Nitish Yadav @ Nitish Kumar S/O Biresh Yadav@ Birendra Prasad @ Birendra Yadav R/O Vill.- Mirza Bigha, P.s.- Neemchak Bathani, Dist.- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 02-07-2025 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Neemchak Bathani P.S. Case No. 91 of 2024 dated 07.05.2024 for the offences punishable under Sections 341, 323, 307, 504, 506 read with Section 34 of the Indian Penal Code and u/s 27 of the Arms Act.

3. As per prosecution case, on 07.05.2024, on the pretext of land dispute, the informant's co-villager Vinod Yadav came and started abusing. Thereafter, the petitioners and the co-



accused persons surrounded the informant and his brother and assaulted and abused them. The co-accused, Vinod Yadav came with weapon and fired on the informant's brother due to which he sustained injury in his finger. After hearing the sound of bullet, local people gathered there and all the accused persons fled away from the spot.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. There is a land dispute between the parties. The specific allegation of firing and abusing is against the co-accused, Binod Yadav rather the allegation against the petitioners is general and omnibus in nature. Nothing has been recovered from the conscious possession of the petitioners. As per the injury report of the injured, lacerated wound over upper part of left index finger caused by hard and blunt substance and the opinion of the said injury has been kept reserve. The petitioners have no concern with the alleged offence. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances



of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Gaya in connection with Neemchak Bathani P.S. Case No. 91 of 2024, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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