

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43495 of 2025

Arising Out of PS. Case No.-227 Year-2021 Thana- SAUR BAZAR District- Saharsa

1. Bijli Devi @ Kiran Devi S/o Arun Kumar Yadav @ Arun Yadav @ Domi Yadav @ Arun Kumar @ Domi Resident of Village- Baijnathpur, Ward No-5 , P.S- Sour Bazar, Baijnathpur District -Saharsa
2. Arun Kumar Yadav @ Arun Yadav @ Domi Yadav @ Arun Kumar @ Domi S/o Late Deep Narayan Yadav Resident of Village- Baijnathpur, Ward No-5 , P.S- Sour Bazar, Baijnathpur District -Saharsa
3. Rita Devi @ Pinki Devi W/o Dilkhush Kumar Resident of Village- Baijnathpur, Ward No-5 , P.S- Sour Bazar, Baijnathpur District -Saharsa
4. Dilkhush Kumar S/o Arun Kumar Yadav @ Arun Yadav @ Domi Yadav @ Arun Kumar @ Domi Resident of Village- Baijnathpur, Ward No-5 , P.S- Sour Bazar, Baijnathpur District -Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Binod Kumar No.3 APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Sour Bazar (Baijnathpur) P S Case No. 227 of 2021 dated
17-05-2021, instituted under Sections 341, 323, 379, 354A,
308, 504 and 506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on
16.05.2021 at around 9:00 AM, while the informant was fencing
his land, his neighbors i.e., petitioners and other accused



persons came armed with various weapons and started damaging his bamboo fencing. When he protested, petitioner no.2, namely Arun Kumar Yadav instigated to kill him, and petitioner no.4, namely Dilkhush Kumar hit him on the head with an iron *khanti*, causing serious injury. When his sister-in-law Anita Devi tried to save him, co-accused Kartik assaulted her and snatched her gold chain worth Rs. 80,000/-. His parents were also beaten when they intervened. The accused persons are of criminal background and have threatened to kill his family if he tries to encroach the land.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case due to a family dispute. It is submitted that the petitioners were earlier granted the benefit under Section 41(1) of the Cr.P.C., and subsequently, charge sheet has been submitted and cognizance has been taken on 10.10.2023 under Sections 341, 323, 308, 504, and 506 read with Section 34 of the IPC. It is further submitted that there is case and counter case between the parties. In fact, petitioner no.4 has instituted a counter-case against the informant and others for the same occurrence, registered as G.R. Case No. 1027 of 2021, for the offences under Sections 341, 323, 379, 308, 354A, 504, and



506/34 of the IPC, which is presently pending before the learned ACJM-II, Saharsa. It is also submitted that the informant in the present case has sustained only a simple head injury caused by a hard and blunt object, and the specific allegation of assault is only against petitioner no.4, namely, Dilkhush Kumar. Lastly it has been submitted that petitioner nos. 1 to 4 belong to the same family and have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, 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 Judicial Magistrate 1st Class, Saharsa, in Sour Bazar (Bajinathpur) P S Case No. 227 of 2021, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita 2023.

7. The application stands allowed.

(Khatim Reza, J)

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