

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40412 of 2025

Arising Out of PS. Case No.-1281 Year-2023 Thana- SHERGHATI District- Gaya

1. Bindeshwar Yadav S/O Sital Yadav R/O Village- Ghorjara, P.S- Sherghati, Distt.- Gaya.
2. Pappu Yadav S/O Jugeshwar Yadav @ Jugeshwar Yadav R/O Village- Ghorjara, P.S- Sherghati, Distt.- Gaya.
3. Ugeshwar Yadav @ Jugeshwar Yadav S/O Late Digur Yadav @ Late Dingar Yadav R/O Village- Ghorjara, P.S- Sherghati, Distt.- Gaya.
4. Sarju Yadav S/O Late Dingar Yadav R/O Village- Ghorjara, P.S- Sherghati, Distt.- Gaya.
5. Sital Yadav S/O Late Digur Yadav @ Late Dingar Yadav R/O Village- Ghorjara, P.S- Sherghati, Distt.- Gaya.
6. Arjun Yadav S/O Late Dingar Yadav R/O Village- Ghorjara, P.S- Sherghati, Distt.- Gaya.
7. Sailendra Yadav S/O Sital Yadav R/O Village- Ghorjara, P.S- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Adv.
Mr. Vijay Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Lal, Adv.

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 03-09-2025 Heard Mr. Mahendra Thakur, learned counsel for the
petitioners and Mr. Bharat Lal, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Sherghati P.S. Case No. 1281 of 2023 for the offence under sections 147, 148, 149, 341, 323, 324, 325, 354(B), 307, 379, 504, 506 of the IPC and section 27 of the Arms Act lodged on 28.12.2023 by the informant.

3. As per the prosecution case on 23-12-2023, the



petitioners, Bindeshwar Yadav and Sital Yadav were ploughing the field of the informant with intention to grab the same and when the informant objected to it, both the aforesaid petitioners assaulted him. When informant's cousin brother, namely, Kamlesh Yadav came to rescue him, he was also assaulted by the accused persons who were armed with various kinds of weapons. Informant and his family members are said to have received injuries in the said assault. Accordingly, the FIR.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to land dispute between the parties and they have not committed any offence as alleged. Both the parties are agnates to each other. It has next been submitted that the said incident has taken place on 23.01.2023 whereas the FIR has been lodged on 28.01.2023 after delay of five days and there is no plausible reason for such delay. It has also been submitted that prior to lodging of the present FIR, the side of the petitioners has also lodged an FIR bearing Sherghati PS Case No. 1268 of 2024 on the date of occurrence itself. Hence, there is case and counter case between the parties. It has further been submitted that there is no specific allegation against any of these petitioners rather allegation against them are general and omnibus terms. So far as Sections 354(B) and 379 of the IPC are concerned, nothing incriminating has been found against these



petitioner which shows the complicity of the petitioners in the commission of crime. The specific allegation of assault upon the informant by means of sword is against co-accused, Anoop Yadav who is not the petitioner here.

5. On the other hand, learned APP vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid submissions of the parties and the fact there there is general and omnibus allegation against these petitioners rather specific allegation of assault by means of sword is against co-accused, Anoop Yadav, both the parties are agnates having land dispute between them and there is a case and counter case between the parties, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let all the petitioners, above named, be released on bail, in the event of arrest or surrender within a period of four weeks, from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M- 1st Sherghati, Gaya in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show his/her bona fide;



(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Ajit Kumar, J)

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