

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61473 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- BARACHATTI District- Gaya

1. Nandlal Yadav @ Nandlal Kumar Son of Late Kheman Yadav @ Pemal Yadav R/O Village- Pachamba, P.S.- Barachatti, Distt.- Gaya.
2. Bhola Yadav Son of Late Kheman Yadav @ Pemal Yadav R/O Village- Pachamba, P.S.- Barachatti, Distt.- Gaya
3. Sunil Kumar Son of Late Kheman Yadav @ Pemal Yadav R/O Village- Pachamba, P.S.- Barachatti, Distt.- Gaya
4. Chandar Yadav @ Chandradev Yadav @ Chandra Yadav Son of Late Kheman Yadav @ Pemal Yadav R/O Village- Pachamba, P.S.- Barachatti, Distt.- Gaya
5. Umesh Yadav Son of Late Kheman Yadav @ Pemal Yadav R/O Village- Pachamba, P.S.- Barachatti, Distt.- Gaya
6. Syamdeo Yadav Son of Late Mangru Yudav R/O Village- Pachamba, P.S.- Barachatti, Distt.- Gaya
7. Rajesh Yadav Son of Late Mangru Yudav R/O Village- Pachamba, P.S.- Barachatti, Distt.- Gaya
8. Yogendra Yadav Son of Late Mangru Yudav R/O Village- Pachamba, P.S.- Barachatti, Distt.- Gaya
9. Mundrika Yadav Son of Late Mangru Yudav R/O Village- Pachamba, P.S.- Barachatti, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.
For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-09-2025 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Barachatti P.S. Case No. 75 of 2025, registered for the offences punishable under Sections 126(2), 115, 110, 352,



351(2) and 3(5) of the BNS and Section 27 of the Arms Act.

3. Based upon the written report, it is alleged that while the dispute in connection with the land, in question, was going on and a proceeding under Section 144 Cr.P.C. is pending, besides there was an order of the Court restraining any of the party to make construction, the petitioners forcibly tried to make construction over the disputed land and when the protest was made, the petitioners along with others armed with *lathi*, *danda*, iron rod, *farsa* and revolver came there and started abusing and assaulting the informant and others. There is further allegation that petitioner nos. 3 and 8 also made firing and thereafter, succeeded in fleeing away.

4. Learned Advocate for the petitioners contended that the genesis of the occurrence is said to be a land dispute, leading to a proceeding under Section 144 Cr.P.C.. However, on account of such dispute both the parties have entered into a free fight, resulting into injuries to persons of both the sides and leading to institution of a counter version being Barachatti P.S. Case No. 85 of 2025. It is further contended that there is omnibus nature of allegation against all the accused persons, including the petitioners. So far the allegation of firing against the petitioner nos. 3 and 8 are concerned, admittedly none has sustained any



injury. The learned District and Additional Sessions Judge also knowingly did not discuss about the nature of the injury and, in fact, the injured persons have sustained only simple injuries. The petitioners undertakes that they will fully co-operate in the proceeding of the Court. It is lastly contended that all the petitioners have though one criminal antecedent, but they are on bail.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that besides the criminal antecedent, the petitioners have brutally assaulted the informant and others, leading to injuries.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation, coupled with the nature of the injury and the factum of case and counter case, besides the genesis of occurrence being a land dispute, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 A.C.J.M-II, Sherghati, Gaya in connection with



Barachatti P.S. Case No. 75 of 2025, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

shivank/-

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

