

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64995 of 2024

Arising Out of PS. Case No.-187 Year-2024 Thana- PAHARPUR District- East Champaran

1. Manoj Yadav Son of Late Duhari Yadav Resident of Village- Majhairya , Ward No.09, P.S.-Malahi, District- East Champaran
2. Jhagaru Yadav @ Shambhu Yadav Son of Late Pahari Yadav Resident of Village- Majhairya , Ward No.09, P.S.-Malahi, District- East Champaran
3. Harendra Yadav Son of Late Yamuna Yadav Resident of Village- Majhairya , Ward No.09, P.S.-Malahi, District- East Champaran
4. Anil Yadav @ Anil Kumar Son of Mahesh Yadav Resident of Village- Majhairya , Ward No.09, P.S.-Malahi, District- East Champaran
5. Lalan Yadav Son of Late Yamuna Yadav Resident of Village- Majhairya , Ward No.09, P.S.-Malahi, District- East Champaran
6. Chhotelal Yadav Son of Late Dahari Yadav Resident of Village- Majhairya , Ward No.09, P.S.-Malahi, District- East Champaran
7. Mahesh Yadav Son of Late Yamuna Yadav Resident of Village- Majhairya , Ward No.09, P.S.-Malahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 17-01-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 324, 325, 307, 354(B) and 506/34 of the Indian Penal Code.

3. As per the prosecution case, on 18.04.2024 at about 10 AM, the informant asked Mahesh Yadav (petitioner no. 7) to



remove his tractor from his land, in the meantime, all the accused persons including these petitioners came there and assaulted him, due to which he received injury. It is further alleged that petitioner no. 2 (Jhagaru Yadav), petitioner no. 6 (Chhotelel Yadav) and co-accused Rajesh Yadav assaulted the informant with *Farsa*, due to which he received injuries on his head. When the informant's brother Jildar Yadav came to save him, accused persons also assaulted him with *Farsa*, due to which he received injury. It is further alleged that in this occurrence the informant's son Raushan Yadav received injury and petitioner no. 3 (Harendra Yadav) tore the cloth of informant's daughter-in-law and also assaulted her resulting in her miscarriage.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence. As a matter of fact, on the same date, the prosecution party including informant and 15 other persons came at the door of petitioners and abused them and on protest, informant of the present case and his associates gave iron rod on the head of petitioner no. 1 (Manoj Yadav) and other persons, as a result of which, 2-3 persons sustained injury, for which, petitioner no. 1 lodged a case, vide Paharpur (Malahi) P.S. Case No. 186 of 2024 against



informant and other persons, which is earlier in point of time. Learned counsel further submits that there is admitted land dispute between the parties, for which a title suit, vide Title Suit No. 5 of 2023 has already been filed by the informant. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State has opposed the bail petition.

6. Considering the backdrop of the case in which alleged occurrence took place, case and counter case and the fact that both sides sustained injury, the prayer for anticipatory bail of petitioners is allowed.

7. Accordingly, let the above named seven petitioners, in the event of their arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - XI, Motihari, East Champaran in connection with Paharpur (Malahi) P.S. Case No. 187 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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