

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61902 of 2025

Arising Out of PS. Case No.-200 Year-2025 Thana- JAMUI District- Jamui

1. Potan Yadav son of Late Saryug Yadav @ Late Saryu Yadav R/o - Daulatpur, P.S - Jamui, District - Jamui
2. Asarfi Yadav @ Surend Prasad @ Surendra Prasad son of Late Saryug Yadav @ Late Saryu Yadav R/o - Daulatpur, P.S - Jamui, District - Jamui
3. Shivam Yadav @ Shivan Kumar yadav son of Naresh Yadav R/o - Daulatpur, P.S - Jamui, District - Jamui

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 08-12-2025 At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no.3, namely, Shivam Yadav alias Shivan Kumar Yadav.

2. Permission is accorded.

3. Accordingly, the prayer for anticipatory bail of the petitioner no. 3 stands dismissed as withdrawn.

4. Heard learned counsel for the petitioner nos. 1 and 2 and learned A.P.P. for the State.

5. The petitioner nos. 1 and 2 are apprehending their arrest in connection with Jamui P.S. Case No. 200 of 2025 registered for the offences punishable under Sections 190, 191(2), 191(3), 352, 351, 140(4), 304(2), 109 and 324(6) of



BNS and Section 27 of the Arms Act.

6. As per prosecution case, the informant and his friends purchased a land on 09.08.2024 at Village Khairma, which is about 42 kattha. On 06.04.2025 at about 11:00 A.M., when the informant and his co-sharers went to the said land, the petitioners along with 10 to 12 persons armed with *lathi* and pistol surrounded the informant and started hitting him. When his co-sharer Neeraj Singh started fleeing, then co-accused Rahul Yadav shot him from the back side. The petitioners and others assaulted the informant and his partners due to which they got severe injuries, and the accused persons dragged the informant 500 meters to the pump house. Co-accused Shivam Yadav assaulted the informant due to which he fell on the ground. In the meantime, petitioner no.2 Asarfi Yadav tried to hit informant on his head, informant resisted from his leg, due to which his leg got fractured. Petitioner no. 1 Potan Yadav assaulted co-sharer Pankaj Parasar due to which he got injured. Co-accused Rahul Yadav pointed a pistol at the informant and others and asked them to withdraw land Jamabandi application from C.O. Office, otherwise he will kill informant and his partners and bury them on the same pump house. Co-accused Rahul yadav called a person and told him to bring a register and



took dozen of signature of the informant at various places. At the pump house co-accused Rahul Yadav, Asharfi Yadav (petitioner no.2) and Potan Yadav (petitioner no.1) looted diamond ring from informant's left hand, two gold rings from informant's right hand and 1/2 *bhar* gold chain from informant's neck all amounting three lakhs and looted gold chain and Rs. 1600 from Pankaj Parasar. Co-accused Shivam Yadav broke phone of Pankaj Parasar. Thereafter, the petitioners ran away toward their village and threatened the informant and his friends, saying that if they again visited the C.O. office or the said land, the petitioners would kill them.

7. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 are quite innocent and have committed no offence as alleged in the F.I.R. It is further submitted that all the injuries sustained by informant as well as Pankaj Parasar are simple in nature and the injuries does not tally with the allegation made in the F.I.R. There is a dispute regarding the possession of the land in question, and in cases of land disputes, facts are generally exaggerated to make the offence graver. There is a case and a counter-case between the parties and free fighting between the parties cannot be ignored. Apart from that petitioner nos. 1 and 2 having three criminal antecedents in



which they are already on bail.

8. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner nos. 1 and 2 by submitting that petitioner nos. 1 and 2 are FIR named accused person. Hence, they cannot escape from the allegation made in the FIR.

9. Considering the facts and circumstances of the case, injuries are simple in nature, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner nos. 1 and 2 above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S. Case No. 200 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

10. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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