

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68029 of 2024

Arising Out of PS. Case No.-345 Year-2024 Thana- MOHANIYA District- Kaimur (Bhabua)

1. Ravi Prakash Singh @ Ravi Yadav Son of Bhorik Yadav Resident of Village- Sondhi, P.S- Mohania, Distt.- Kaimur at Bhabhua
2. Vidyasagar Singh Son of Omkar Singh Resident of Village- Sondhi, P.S- Mohania, Distt.- Kaimur at Bhabhua
3. Abhishek Yadav @ Abhishek Singh Son of Late Bhulan Yadav Resident of Village- Sondhi, P.S- Mohania, Distt.- Kaimur at Bhabhua
4. Vikash Yadav Son of Paras Yadav Resident of Village- Sondhi, P.S- Mohania, Distt.- Kaimur at Bhabhua
5. Abhimanu Singh Yadav @ Mannu Yadav Son of Ramdular Yadav Resident of Village- Sondhi, P.S- Mohania, Distt.- Kaimur at Bhabhua
6. Chandra Bosh Singh @ Chandra Bosh Yadav Son of Late Bhulan Singh Yadav Resident of Village- Sondhi, P.S- Mohania, Distt.- Kaimur at Bhabhua
7. Mintu Singh @ Mithu Yadav @ Mithu Singh Son of Late Ram Ekbal Singh Resident of Village- Sondhi, P.S- Mohania, Distt.- Kaimur at Bhabhua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh (Sr. Adv)
	:	Mr. Pawan Kumar Singh (Adv)
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh (App)
For the informant	:	Mr. Tribhuwan Narayan (Adv)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-01-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Mohania Police Station Case No. 345 of 2024, disclosing offences under Sections 147, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code.

3. As per the FIR, on 10.06.2024, while the informant,



in the evening, had gone to inspect his field, all the accused persons having arms in their hands, arrived there and started abusing the informant claiming that the land in question belongs to them. Subsequently, petitioner no. 7/Mithu Yadav assaulted Banarasi Yadav by means of gandasa on his head due to which, he sustained injury. Anand Yadav assaulted with gandasa on Ekladashi Yadav on his head and other accused persons including the petitioners assaulted Lala Yadav and Murahu Yadav with iron rod. It has further been alleged that petitioner no. 1, Ravi Yadav, assaulted Lala Yadav due to which he sustained serious injury and during the course of treatment, Lala Yadav died.

4. Learned senior counsel for the petitioners submits that both the parties are co-villagers and there is land dispute between them. A counter case has also been lodged by the side of the petitioners against the informant and others bearing Mohania P.S. Case No. 344 of 2024. The injury caused to other persons are simple in nature, however, one person Lala Yadav died during the course of treatment but the postmortem report does not show any external injury. The allegation of assault upon Lala Yadav is against other accused persons also which is general and omnibus in nature.



5. On the other hand, learned counsel for the State as well as informant vehemently oppose the prayer for anticipatory bail and submits that Mithu Yadav (petitioner no. 7) assaulted Banarasi Yadav on his head causing head injury and injury on left side of his eye and the allegation against the Ravi Yadav (petitioner no. 1) is specific that he assaulted Lala Yadav who died during the course of treatment. The injury has been found during the course of treatment upon Lala Yadav as is evident from the injury report attached with the case diary.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that there is land dispute between the parties, case and counter case is there, no serious injury has been caused to the other victims, accordingly, I am inclined to grant the petitioner nos. 2, 3, 4, 6, 7 privilege of anticipatory bail. Insofar as petitioner no. 1 is concerned, there is specific allegation against him that he assaulted Lala Yadav who died during the course of treatment, accordingly, I am not inclined to granted petitioner no. 1 privilege of anticipatory bail and this application for bail of petitioner no. 1 is dismissed.

7. This application is, partly, allowed to the extent indicated above.



8. Let the petitioner nos. 2, 3, 4, 6, 7 in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- I, Mohania, Kaimur (Bhabua), in connection with Mohania Police Station Case No. 345 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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