

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68012 of 2024

Arising Out of PS. Case No.-12 Year-2021 Thana- PALIGANJ District- Patna

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Bachchu Yadav S/o Late Chandradeo Yadav Resident of Vill - Guni Tola,
Kalyanpur, P.S.- Dulhin Bazar, District- Patna Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Advocate
For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 22-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Paliganj P.S. Case No. 12 of 2021 for the offence under Sections 341, 323, 324, 504, 506, 354, 379, 307 and 34 of the I.P.C.

3. As per the prosecution story, the informant has alleged that on 09.01.2021 at about 04:00 P.M., there is a land in dispute for a long time which is located in front of his house. On the said land, the petitioner along with other co-accused persons came and started constructing a wall. All the accused persons were armed with 'lathi', 'danda' and iron rod. When the informant opposed the construction, all the accused persons started abusing him. Thereafter, it is further alleged that they started assaulting the informant and when his son namely, Manish Kumar came to rescue his father, one Manoj Yadav,



carrying iron rod in his hand assaulted him and ordered to one Rabis Kumar to kill him. Rabis Kumar carrying '*farsa*' in his hand assaulted the son of the informant on his head and blood started ouzing out from his head.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case by the informant with an ulterior motive. It is totally false that the petitioner was engaged in this case directly or indirectly. It is alleged that in the F.I.R., there was a prior enmity between both sides of this case due to land dispute. The petitioner and informant are neighbour and residing in the same village. There is a case and counter case between both the parties. Petitioner side also lodged Paliganj, P.S. Case No. 13 of 2021 under sections 341, 323, 504, 379, 34 of the I.P.C. against the informant and his family members. The informant side lodged false and fabricated case upon the petitioner to save skin. The aforesaid disputed land regarding which the dispute has taken place, was under the possession of petitioner side for many years and at the time of occurrence petitioner was trying to make a house there but, informant's vulture vision was in his land because it was in front of his house and he wants to grab and take illegal possession on the land. There is a free fight between both the parties and both sides have sustained injuries. The petitioner is an



old aged man having 60 years of age.

5. Learned APP opposes the prayer for bail.

6. During the course of argument, learned counsel for the petitioner submits that there is case and counter case between both the parties and the disputed land is in his possession prior to the alleged occurrence and the opposite party i.e. informant who is aggressor in this case. The injury report mentioned in page 70 of the case diary states that nature of injury is simple. Keeping in view the aforesaid facts, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner 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 Sub Divisional Judicial Magistrate, Danapur in connection with Paliganj P.S. Case No. 12 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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