

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72797 of 2024

Arising Out of PS. Case No.-131 Year-2024 Thana- GRIYAK District- Nalanda

1. Rakesh Yadav S/o- Upendra Yadav Village- Maira Bigha PS-Katri Sarai Dist- Nalanda
2. Rajo yadav Son of Late Saryug Yadav Village- Maira Bigha PS-Katri Sarai Dist- Nalanda
3. Prahlad Yadav Son of Late Bhuneshwar yadav Village- Maira Bigha PS-Katri Sarai Dist- Nalanda
4. Viki Yadav @ Vikke @ Bike Yadav Son of Upendra Yadav Village- Maira Bigha PS-Katri Sarai Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar

For the State : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 29-01-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. Vide order, dated 26.11.2024, the bail application of the petitioner no. 3, namely, Prahlad Yadav, was dismissed as withdrawn. Now, this application only survives for the petitioner nos. 1, 2 and 4.
3. This application for grant of anticipatory bail in respect of petitioner nos. 1 , 2 and 4, arises out of Giriya (Katrisaray) Police Station Case No. 131 of 2024, dated 16.04.2024, disclosing offences under Sections



147/148/149/341/323/324/325/448/307/504/506 of the Indian Penal Code and Section 27 of the Arms Act.

4. The prosecution case, as per the First Information Report, is that on 15.04.2024, in the night, the scuffle took place between the informant and the accused persons due to lifting of soil from the field of the informant. On 16.04.2024, in the morning, at about 03:00 AM, all the accused persons, including the petitioners armed with lathi, danda, rod, etc. started banging the door of the informant and abused him. When the informant's brother Manoj Yadav objected, the accused persons assaulted him and co-accused Mukesh Yadav assaulted the informant's brother by means of sword due to which he sustained injuries. The petitioners and other accused persons also assaulted the grand-mother and sister-in-law of the informant by means of lathi, danda, etc.
5. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case with all family members, total 12 in numbers, due to land dispute between the parties. He further submits that there is general and omnibus allegation against the petitioners and specific allegation of assault is against co-



accused Mukesh Yadav. No specific overt act has been alleged against the petitioners. He next submits that one of the co-accused Radhika Devi has been granted anticipatory bail by this Court in Cr. Misc. No. 84524 of 2024. The injuries caused to the sister-in-law and grand-mother of the informant has not been produced by the prosecution as would be evident from paragraph nos. 69 and 70 of the case diary and other persons have sustained simple injuries.

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, injuries caused to the grand-mother and sister-in-law of the informant have not been produced by the prosecution and other persons have sustained simple injuries as would be evident from Annexure-2 and allegation against the petitioners is general and omnibus in nature, I am inclined to grant the petitioner nos. 1, 2 and 4 privilege of anticipatory bail.
7. This application in respect of petitioner nos. 1, 2 and 4 is, accordingly, allowed.
8. Let the petitioner nos. 1, 2 and 4, Rakesh Yadav, Rajo Yadav and Viki Yadav, respectively, 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif, Nalanda, in connection with Giriyak (Katrisarai) Police Station Case No. 131 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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