

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75453 of 2024

Arising Out of PS. Case No.-130 Year-2024 Thana- NAUTAN District- West Champaran

1. Gaya Yadav, aged about 41 years, male, S/O Shambhu Yadav
2. Omprakash Yadav, aged about 25 years, male, S/O Sukai Yadav, all are R/O Village - North Teluha, Bhadewa Tola, Ward No. 2, P.S. - Nautan, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-01-2025 Heard Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioners and Mr. Vinod Shanker Modi learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Nautan P.S. Case No. 130/2024 registered for the offence(s) punishable under Sections 341, 323, 324, 307, 385, 447 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the dispute relates to a piece of land bearing Khata No.33, Khesra No.1934 measuring an area of 0.2.8 dhurs, allegedly belonging to the informant. Petitioners along with other co-accused forcibly put *Naad* (fodder pot) over the said piece of land and when the same



was protested by the informant side, all the accused persons including the petitioners assaulted the informant's grandson and when the two sons of the informant came to quell the disturbance and dispute, the accused persons including petitioner no.4 demanded rupees two lacs and had assaulted the son of the informant. Specific allegation is against co-accused Sanja Yadav and Sukai Yadav, that they had assaulted with an intention to kill him.

4. Learned counsel appearing on behalf of the petitioners submitted that there is case and counter case between the parties arising out of the same incidence, leading to fierce fight and in the same, both the parties sustained injuries on different parts of the body and their family members were also allegedly assaulted. Other co-accused persons have already been granted pre-arrest bail by this Court *vide* order dated 04.09.2024 passed in Criminal Miscellaneous No. 57732 of 2024. Petitioners have clean antecedents. On these grounds, petitioners seek to be released on bail.

5. Learned APP for the State also vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as the fact that there is case and



counter case between the parties and due to land dispute, an altercation took place and both the sides entered into fierce fight and in the self-defence, petitioners may have caused some injury to the family members of the informant without intention and also the fact that petitioners have clean antecedents and other co-accused persons have already been granted pre-arrest bail by this Court *vide* order dated 04.09.2024 passed in Criminal Miscellaneous No. 57732 of 2024. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail in the event of their arrest or surrender before the learned District Court within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, West Champaran in connection with Nautan P.S. Case No. 130/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been



stated in paragraph no.3 of the bail application, this order will
automatically lose its force.

(Purnendu Singh, J)

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