

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72908 of 2024

Arising Out of PS. Case No.-96 Year-2024 Thana- SRINAGAR District- West Champaran

1. Banhu Yadav son of Late Mishri Yadav Village- Pujaha Patjirwa, Bandrahi Tola, P.S.- Srinagar, Dist- West Champaran
2. Ashok Kumar @ Ashok Yadav son of Daroga Yadav Village- Pujaha Patjirwa, Bandrahi Tola, P.S.- Srinagar, Dist- West Champaran
3. Nandu Yadav son of Late Bandhu Yadav Village- Pujaha Patjirwa, Bandrahi Tola, P.S.- Srinagar, Dist- West Champaran
4. Lallu Yadav son of Late Bhagrashan Yadav Village- Pujaha Patjirwa, Bandrahi Tola, P.S.- Srinagar, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Gupta, Advocate
For the Informant	:	Mr. Akhileshwar Kumar Srivastva, Advocate Mr. Amrit Kirti, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 22-01-2025 1. Heard Mr. Umesh Kumar Gupta learned counsel for the petitioners, Mr. Akhileshwar Kumar Srivastva, learned counsel for the informant and Mr Lalan Kumar, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Srinagar P.S. Case No. 96 of 2024 dated 24.06.2024 registered for the offence(s) punishable under Section(s) 341, 342, 323, 324, 307, 379, 504, 506 and 34 of the



Indian Penal Code.

3. As per the prosecution story, on 30.05.2024 at about 5:00 P.M., petitioner no.1 along with other petitioners and co-accused named in the FIR arrived on the informant's purchased land, armed and accompanied by two tractors and began tilling the land. When the informant objected, they started assaulting him. Madan Yadav and Rajendra held the informant and petitioner no.1 struck him on the head with a *farsa* with the intention to kill, causing a head injury. Petitioner no.2 attacked the informant with an iron rod, fracturing his right hand. When the informant's father intervened, Petitioner no.3 and petitioner no.4 assaulted him with *lathis*, while petitioner no.1 hit him with bricks below his right eye. Soniya Devi snatched the informant's golden *Hanumani*.

4. The main submissions advanced by the learned counsel for the petitioners are that all the petitioners have fair and clean antecedent, in the instant matter, informant and his father are said to have sustained injuries in the alleged occurrence and the copy of the injury reports has been filed with this petition which shows that the informant's father sustained simple injuries and only one injury found on right forearm, non-vital part, of the informant has been opined to be



grievous in nature and other three injuries on his body have been opined simple and the allegation of assaulting with a sharp object as revealed by the informant in the FIR is not corroborated by the medical opinion given with regard to the injuries found on the body of the informant. It is further submitted that there is case and counter case in between both the parties and against the petitioners nos. 3 and 4, there is no serious allegation and there is land dispute between both the parties.

5. On the contrary, learned counsel for the informant has submitted that the place over which the alleged offence took place is a purchased land of the informant and petitioners wanted to dispossess the informant from the said land and forcefully stopped him from plowing and when he objected, he was badly assaulted and his father who intervened to save the informant was also assaulted by the petitioners.

6. Heard both the sides, perused the FIR and case diary of this case. Considering the seriousness of the allegation appearing against the **petitioner no.1 (Banhu Yadav) and petitioner no.2 (Ashok Kumar @ Ashok Yadav)** from the FIR and getting support from the injury reports of the informant and his father, this court is not inclined to grant the relief of



anticipatory bail to both the above-named petitioners.
Accordingly, their prayer stands rejected.

7. Considering the nature of allegation appearing against the **petitioner no. 3 (Nandu Yadav) and petitioner no. 4 (Lallu Yadav)** and also coupled with their fair and clean antecedent, this court is inclined to grant the relief of anticipatory bail to them. Accordingly, let the **petitioner no. 3 (Nandu Yadav) and petitioner no. 4 (Lallu Yadav)**, in the event of their arrest/surrender before the learned court below within a period of six weeks from today, **be released on anticipatory bail in connection with Srinagar P.S. Case No. 96 of 2024** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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