

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79363 of 2024**

Arising Out of PS. Case No.-197 Year-2024 Thana- BIHIA District- Bhojpur

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- 1 . Ganesh Yadav @ Ganesh kumar Singh S/o Rameshwar Singh @ Ram Ishwar Yadav R/o - Samardah, P.S - Bihiya, District - Bhojpur
  2. Akhilesh Yadav @ Ankur Kumar S/o Rameshwar Singh @ Ram Ishwar Yadav R/o - Samardah, P.S - Bihiya, District - Bhojpur
  - 3 . Lav Kumar @ Lav Kumar Yadav @ Law Kumar Yadav S/o Late Bhagawati Singh Yadav @ Late Bhagwati Yadav R/o - Samardah, P.S - Bihiya, District - Bhojpur
  4. Kamlesh Kumar @ Kamlesh Yadav @ Kamlesh Kumar Yadav S/o jajlal Singh @ Gidik Singh R/o - Bihiya, P.S - Bihiya, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

|                            |   |                              |
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| For the Petitioner/s       | : | Mr. Diwakar , Advocate       |
|                            |   | Ms. Priya Kumari , Advocate  |
| For the Opposite Party/s : |   | Mr. Pramod Kumar Pandey, APP |
| For OP 2                   | : | Ms. Priya, Advocate          |

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

3      22-01-2025                      Heard learned counsel for the petitioners and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 147, 149, 341 , 323 and 307 of the Indian Penal Code .

3 . The prosecution case , in brief, is that on the alleged date and time of occurrence , the informant along with his brothers were going to Bihiya Police Station on 2 motorcycles, and when the informant and his brothers reached



near Bihiya river, all the F.I.R named accused persons intercepted and assaulted the informant and his brother with butt of pistol, iron rod, Khanti as a result of which both of them sustained injury.

4. It is submitted on behalf of the petitioners that both the parties are agnates and there is admitted land dispute between the parties for which a simple occurrence of maarpeet took place between them in which both sides sustained injuries. Case and counter case . Allegation of assault is general and omnibus. Injury allegedly caused by these petitioners are simple in nature except injury of Devendra Kumar which is grievous in nature .

5. Learned counsel for the State and informant opposed the bail petition and submitted that injury caused by petitioner No. 1 is grievous in nature and has got 2 criminal antecedents of similar nature .

6. Considering the fact that injury caused by petitioner No. 1 is grievous in nature and he has also got two criminal antecedents, his prayer for pre – arrest bail is rejected.

7. Considering the fact that injury caused by petitioner Nos. 2, 3 and 4 is simple in nature , and other circumstances of the case , in the event of arrest or surrender



within eight weeks from today, let the petitioner Nos. 2, 3 and 4 as named above, be enlarged 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 the learned ACJM VII Bhojpur at Ara in connection with Bihiya P.S. Case No. 197 of 2024 , subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita .

**(Prabhat Kumar Singh, J)**

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