

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78957 of 2025

Arising Out of PS. Case No.-138 Year-2025 Thana- Ramgarh Chowk District- Lakhisarai

1. Maulee Yadav @ Anmol Kumar S/o Kaleshwar Yadav @ Kale Yadav R/o Village - Bhabhriya, P.S - Ramgarh Chowk, District - Lakhisarai
2. Alakh Yadav S/o Birju Yadav R/o Village - Bhabhriya, P.S - Ramgarh Chowk, District - Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
For the Opposite Party/s	:	Mr.Raj Kishor Singh, APP
For the informant	:	Mr. Narsingh Tanti, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-12-2025 Heard Mr. Bhola Prasad, learned counsel appearing on behalf of the petitioners; Mr. Raj Kishor Singh, learned APP for the State and Mr. Narsingh Tanti, learned counsel for the informant.

2. The petitioners seek pre-arrest bail in connection with Ramgarh Chowk P.S. Case No. 138/2025 registered for the offence(s) punishable under Sections 115(2),126(2),109(1),303(2),352,351(2),191(2),191(3),76, of the Indian Penal Code and Section ¾ of Dian Act.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioners assaulted the informant and his nephew, as a result of which, they sustained



injuries and they also snatched Rs. 10,000/- from the informant. Further allegation is that when wife of the informant came to their rescue, one co-accused Kaleshwar Yadav threatened her with pistol and also called her *Dian*.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. There is case and counter case between the parties. The injury sustained by the informant is simple in nature. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail. He submitted that petitioner no.1 has two criminal antecedents, whereas petitioner no.2 has five criminal antecedents, which shows that they are veteran criminals and as such, they don't deserve to be released on pre-arrest bail.

6. Having considered the criminal antecedents of the petitioners and at the same time, having perused the allegation made in the FIR, I find that there is ongoing land dispute between the parties and they have indulged in lodging case and counter case against each-other. It has been claimed by the petitioners' counsel as per the instruction of the petitioners that



in all the cases which are pending against the petitioners, they are on bail and the same have been filed by the informant or by the informant's side. The intent of resorting to filing criminal case is to grab the property of the petitioners. I find that the petitioners in such circumstances, may surrender before the learned District Court and seek regular bail. In that case, the learned District Court is directed to consider the bail application of the petitioner on the same day and pass necessary order on the basis of material which has come in course of investigation without delay, and will also take into consideration the law laid down by the Apex Court in case of *Paramjeet Batra v. State of Uttarakhand, (2013) 11 SCC 673*. If the parties intent to compromise between each-other, then strict adherence of the law laid down by the Apex Court in case of *Naushey Ali vs. State of U.P.*, reported in, *(2025) 4 SCC 78*, is required to be taken into consideration while deciding the bail application of the petitioners.

7. The present petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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