

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84737 of 2024

Arising Out of PS. Case No.-509 Year-2023 Thana- ATRI District- Gaya

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1. Ramjee Yadav @ Ramjee Kumar S/O Yogendra Yadav @ Gogendra Prasad Yadav Resident of Village- Gohchak, P.S.- Atri, Distt.- Gaya.
 2. Raushan Kumar S/O Yogendra Yadav @ Yogendra Prasad Yadav Resident of Village- Gohchak, P.S.- Atri, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Singh

For the Opposite Party/s : Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 24-01-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Atri Police Station Case No. 509 of 2023, disclosing offences under Sections 147, 148, 149, 341, 323, 325, 307, 379, 504, 506 of the Indian Penal Code.

3. The prosecution case, as per the FIR, is that on 13.11.2023, in the morning, while the informant was sitting at his door, petitioners, along with other accused persons, armed with weapons, arrived there abused the informant and assaulted the informant's son and nephew. The petitioners assaulted the informant by means of *saif* on his head and pistol butt near the



eye.

4. Learned Counsel for the petitioners submits that both the parties are agnates and there is dispute regarding partition of a piece of land between them. Both the parties are claiming the land in question as their own. There was free fight between the parties due to land dispute and a counter case has been lodged by the side of the petitioners bearing Atri P.S. Case No. 504 of 2023 which is prior in time to the case lodged by the informant. The FIR has been lodged after an unexplained delay of two days and from perusal of the injury, as available in the case diary, it would be evident that no serious injury has been caused on the head of the victim (Vijay Yadav), however, the injury has been described as grievous by the doctor caused by hard and blunt substance. The allegation against petitioner no. 1 is that he assaulted the informant by *saif* which is a sharp cutting weapon and not a hard and blunt substance. Some of the co-accused persons have been granted bail by this court in Cr. Misc. No. 45221 of 2024.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are agnates having land dispute, case and counter case is there, there is a delay in lodging the FIR and co-accused persons



have been granted bail by this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, 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) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Atri Police Station Case No. 509 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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