

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2186 of 2025

Arising Out of PS. Case No.-153 Year-2024 Thana- GAUTAMBUDHNAGAR District-
Siwan

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1. Gorakh Yadav Son of Late Kailash Yadav Resident of Salahpur, P.S.- G.B. Nagar, Distt.- Siwan
 2. Bachiya Devi Wife of Gorakh Yadav Resident of Salahpur, P.S.- G.B. Nagar, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satyapal Singh, Advocate
For the Informant	:	Mr. Akshay Lal Pandit, Advocate
		Mr. Arvind Kumar, Advocate
		Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :		Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 02-05-2025 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Gautam Budha Nagar Police Station Case No.153 of 2024, disclosing offences under Sections 147, 148, 149, 341, 323, 307, 302, 427, 504 and 506 of the Indian Penal Code.

3. The prosecution case is to the fact that the informant, who was playing cricket along with his friends and while the ball had gone to the field of Gorakh Yadav, it was said that in the heat of the moment there was hot talks between the parties and subsequently, at around 07:00 PM, all



the accused persons variously armed, started abusing and threatened the informant of dire consequences and later the accused persons surrounded the father of the informant and started assaulting him with lathi, danda etc. When the other family members rushed to save them, then Gorakh Yadav and Raju Yadav assaulted the informant on the head while the uncle of the informant was also assaulted by Gorakh Yadav, Raju Yadav, Rajnish Yadav and Bachiya Devi with rod and farsa and it was asserted that Raju Yadav assaulted by rod on the father of the informant who was taken to the Sadar Hospital, Siwan for treatment.

4. Learned counsel for the petitioners submits there is general and omnibus allegations against the petitioners. He further submits that except on petitioner no. 1 of assaulting the informant on head by rod, there is no case under Section 302 and 307 is made out against the petitioners. The learned counsel for the petitioners further submits that there is dispute between the parties and for which the title suit is also pending and as a matter of fact due to the enmity because of the land dispute, there was a similar occurrence of assault by the informant. It has lastly been submitted that the petitioners carry clean antecedent and they are in custody since



07.04.2024.

5. The learned counsel for the informant has vehemently opposed the prayer for bail and has stated that there is specific allegation upon petitioner no. 1, who have assaulted the injured, namely, Raghav Yadav along with the petitioner no. 2 namely Bachiya Devi and as such they do not deserve the privilege of bail.

6. The learned Additional Public Prosecutor for the State assisted the Court by saying that the petitioners had taken the laws in their own hand and should not be released on bail.

7. Considering the aforesaid submissions made by the respective parties and taking into account the fact that there is general and omnibus allegations on around seven persons who have assaulted the injured as well as the deceased and there is no specific allegations of overt act against the petitioners and also considering the fact that petitioners are in custody since 07.04.2024, I am inclined to grant the petitioners privilege of regular bail.

8. Accordingly, the prayer for bail is allowed.

9. Let the petitioners, above named, be released 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 court of learned Chief Judicial Magistrate, Siwan, in connection with Gautam Buddha Nagar, Tarwar P.S. Case No. 153 of 2024.

(Sourendra Pandey, J)

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