

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3324 of 2025**

Arising Out of PS. Case No.-28 Year-2024 Thana- BITHAN District- Samastipur

1. Rambabu Yadav @ Rambabu Kumar, Son of Upendra Yadav,
2. Shyambabu Yadav @ Shyam Kumar, Son of Upendra Yadav,
3. Shanti Devi, Wife of Upendra Yadav,

All are resident of Village-Sakrohiya P.S.- Bithan, Distt -Samastipur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad. APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 12-02-2025 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

2. All three accused/petitioners are named in the

FIR and apprehending their arrest in connection with Bithan

P.S. Case No.28 of 2024 registered under Sections 323, 341,

307, 379 and 448 read with 34 of the Indian Penal Code.

3. The allegation against the petitioners is to

assault the informant and others during the occurrence by

means of spade causing head and bodily injuries. The

occurrence is alleged to be arising out of land dispute.



4. After short argument, learned counsel appearing for petitioner no.1, namely, Rambabu Yadav @ Rambabu Kumar submitted as not to press his prayer for anticipatory bail for the present.

5. Considering the aforesaid submission, the prayer for anticipatory bail of petitioner no.1, namely, Rambabu Yadav @ Rambabu Kumar is hereby dismissed.

6. Now, the present petition survives only against petitioner nos. 2 and 3 namely, Shyambabu Yadav @ Shyam Kumar and Shanti Devi respectively.

7. It is submitted by learned counsel that the thrust of allegation as to physical assault causing grievous injuries is available against co-accused Rambabu Yadav, who is now no more petitioner and petitioner no.2 Shyambabu Yadav @ Shyam Kumar and Shanti Devi appears implicated being family members. It is further submitted that the occurrence is free fight in nature and for same set of occurrence, petitioners' side also lodged a case against informant's side, which has been registered as Bithan P.S. Case No.32 of 2024. It is submitted that the occurrence is free fight and,



therefore, it cannot be said that the petitioners were under intention to cause death of the informant. It is pointed out that petitioner nos. 2 and 3 are of clean antecedent.

8. Learned APP opposes the prayer of bail.

9. In view of aforesaid factual submissions and by taking note of fact as the thrust of allegation is available against co-accused Rambabu Yadav, where allegation against both above-named petitioners namely, Shyambabu Yadav @ Shyam Kumar and Shanti Devi appearing very much general and omnibus, having no allegation to cause physical assault, who are also persons of clean antecedent, accordingly, both above-named petitioners namely, Shyambabu Yadav @ Shyam Kumar and Shanti Devi are directed to be released on bail, in the event of their arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Rosera, Samastipur in connection with Bithan P.S. Case No.28 of 2024, subject to the conditions as laid down under Section 438(2) of the



CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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