

IN THE COURT OF THE SESSIONS JUDGE, SAHARSA  
**Anticipatory Bail Appl. No. 756/ 2022**

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| 1. Narayan Yadav and<br>2. Mahendra Yadav<br>3. Yogendra Yadav.....petitioners | Versus | The State of Bihar |
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**Order**

**05.01.2023:** Apprehending their arrest in connection with Nauhatta P. S. Case No. 120/2022 dated 10.06.2022 registered for committing offence under Sections 341, 323, 324, 307, 354-A, 427, 379, 504 and 506/34 of the Indian Penal Code, this anticipatory bail application has been filed on behalf of three above named accused-petitioners pending in the court of Smt. Shaila Shuka, Ld. J.M. Ist Class, Saharsa which is pressed.

2. Heard Sri Krishna Murari Prasad, learned counsel of the petitioners, Sri R. P. Yadav, learned P. P. for the State and perused the case diary.

3. The prosecution case, as per *Fardbayan* of the informant, Amrendra Yadav, in brief, that on 07.06.2022 at about 4:00 PM in day time when he was returning from Nauhatta to his home on his Splender motorcycle bearing no.BR-50U-5231 towards the north of Mushar Tola then above named accused persons, (1) Mahendra Yadav, (2) Yogendra Yadav and (3) Narayan Yadav ambushed there since before armed with arms along with 4-5 unknown accused persons whom he could not recognize. Suddenly they stopped and tried to snatch his motorcycle also ordered to kill him. When he resisted then Mahendra Yadav hit him at his head with Dabiya in his hand with intention to kill him. Due to which his head got burst and he fell down. Then his brother-Yadunandan Yadav, his wife-Shri Devi and his bhabhi-Chunchun Devi came to save him, Narayan Yadav hit his brother on his head with the intention to kill him. Yogendra Yadav was excessively hitting with his rod which hit his brother. Further, alleged that Mahendra Yadav dragged his Bhabhi by catching her with hair, she fell down on the ground he tore her apparel with bad intention due to which she became naked. Furthermore, it has been alleged that other unknown accused persons along with Mahendra Yadav damaged his motorcycle. Then nearby people assembled and intervened then his family's life was saved and brought him to Sadar Hospital, Saharsa.

4. It has been urged on behalf of the accused that they are quite innocent and have committed no offence. Both parties are co-sharer and there is admitted land dispute between the parties. Except allegation under Sections 307 and 379 of IPC, remaining offences are bailable in nature which are super addition to make the offence graver and non-bailable. Further submitted that except injury on the person of

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victim-Manju Devi, remaining injuries have been reported to be simple in nature. The victim-Manju Devi filed a petition before the P. S concerned stating therein that she got treated done at Sadar Hospital on 07.06.2022 and got completely cured after taking medicine from Sadar Hospital Saharsa. She has not got treated anywhere else. No any incriminating article have been recovered from the possession of the petitioners. There is case and counter case between the parties vide Nauhatta P. S. Case No. 118/2022 which has been filed by the petitioner no.2 on earlier occasion. Further submitted that compromise has taken place between the parties. They bear no criminal antecedent. Therefore, they may be given the privilege of anticipatory bail.

5. Ld. P. P. for the state has opposed the prayer of bail and submitted that it is true that compromise has arrived at between the parties but the informant and injured did not turn up before the Court to substantiate the compromise between the parties. Further submitted that petitioners are named in the FIR. There is specific allegation of assault and overt act against the petitioners. The injury reported are simple in nature although injuries have been found at the head of the victims which are (1) lacerated wound over forehead on the person of Yudunandan Yadav, (2) Lacerated wound over right fronto temporal region of scalp on the person of Amrendra Yadav and (3) Lacerated wound over forehead on the person of Manju Devi have been found. The witnesses have supported the case of the prosecution in paragraph nos. 6, 15, 16 and 17 of the case diary. The case has been found to be true against the petitioners during supervision. The investigation is still in progress. Therefore, they do not deserve anticipatory bail.

6. Considering the arguments aforesaid, the facts and circumstances of the case, the allegation of assault and overt act against the petitioners, this anticipatory bail application is disposed of with an observation that if the petitioners surrender before the learned lower court below within 4 weeks from the receipt/production of the copy of this order, their regular bail application shall be considered and disposed of without being prejudiced by this order.

Dictated & corrected by me

Sd/-

Sessions Judge,