

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24696 of 2015

Arising Out of PS.Case No. -124 Year- 2015 Thana –K. NAGAR District- PURNIA

- =====
1. Veena Devi W/o Bhumi Yadav
 2. Bhumi Yadav S/o Balu Yadav
 3. Balu Yadav @ Balu Yadav S/o Late Mukhlal Yadav
 4. Chano Yadav S/o Lattu Yadav All Resident of Village Bhokhraha, P.S. K. Nagar, District Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar

For the Opposite Party/s : Mr. Parmanand Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 13-07-2015 Heard learned counsel for petitioners and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with K. Nagar P.S. Case No. 124 of 2015 registered under Sections-379, 307 & other minor sections of the Indian Penal Code.

There is no specific allegation of any overt act against petitioner No. 3 and so far as petitioner No. 1 is concerned; it is only stated that she assaulted the informant's mother with fist and slaps. So far as petitioner No. 2 and petitioner No. 4 are concerned; it is alleged that

they assaulted the informant and others with Dabiya and iron rod.

The contention on behalf of the petitioners is that there was land dispute between the parties for which, a Title Suit was pending and as a matter of fact, on the alleged date of occurrence, the prosecution party was digging soil in the field of petitioners and when they were forbidden, the prosecution party assaulted the petitioner No. 2 as a result whereof, he sustained serious injury.

Taking into consideration the aforesaid facts and circumstances as well as submission of the parties, petitioner Nos. 1 & 3 namely, Veena Devi and Balu Yadav @ Balu Yadav, in the event of their arrest or surrender within four weeks from the date of receipt/production of copy of order in the court below, shall be released on bail on furnishing bail bond of Rs 10,000/- (ten thousand) each with two sureties of the like amount each in connection with K. Nagar P.S. Case No. 124 of 2015 to the satisfaction of Chief Judicial Magistrate, Purnea subject to conditions as laid down u/S 438(2) of the Cr. P.C.

So far as prayer for anticipatory bail of petitioner Nos. 2 & 4 is concerned; the same stands rejected.

However, if the petitioners surrender in the court below within four weeks from today and seek regular bail, their regular bail application shall be considered by the concerned court on its own merit, without being prejudiced by this rejection order, particularly, keeping in mind that there is case and counter case between the parties and persons from both sides sustained injuries.

(Hemant Kumar Srivastava, J)

A.K.V./-

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