

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11686 of 2015

Arising Out of PS.Case No. -240 Year- 2014 Thana -PIRPAINTI District- BHAGALPUR

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1. Shidayal Yadav son of Fouzdari Yadav
 2. Ramesh Yadav son of Late Hari Dayal Yadav
 3. Tuntun Yadav son of Late Hari Dayal Yadav
 4. Birendra Yadav son of Late Hari Dayal Yadav
 5. Ravindra Yadav son of Late Shiv Narayan Yadav
 6. Ram Das Yadav son of Late Suresh Yadav
 7. Ajai Yadav son of Chando Yadav
 8. Vijay Yadav son of Chando Yadav
 9. Ashok Yadav son of Late Ramdeo Yadav All residents of village Bakharpur, Police Station Pirpainty, District - Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

For the Opposite Party/s : Mr. Rina Sinha(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 07-05-2015 Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with Pirpainty P.S.Case No. 240 of 2014 registered for the offences punishable under Sections 307 and other minor sections of the Indian Penal Code.

According to prosecution case itself, the disputed field was being ploughed by petitioner no. 9 and co-accused Bhola Yadav at the time of alleged occurrence and when the informant

went there and forbade the aforesaid person to do so, an altercation took place and allegedly, petitioners assaulted the informant as well as his son.

The informant sustained, altogether, three injuries and similarly son of the informant sustained, altogether, three injuries which are said to be caused by hard and blunt substance. The opinion regarding nature of the injuries sustained by the informant and his son was kept reserved by doctor till receipt of X-Ray report but it is apparent from perusal of Para-77 of the case diary that without obtaining report regarding the nature of injury, the Investigating Officer submitted charge sheet. Moreover, it is contended on behalf of the petitioners that informant and his son made attempt to take forcible possession of the disputed field on pretext of passing order under section 144 of the Cr.P.C in their favour, particularly, in the circumstance when the above stated order had already been challenged before the appellate court.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two

sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Bhagalpur in Pirpainty P.S.Case No. 240 of 2014 , subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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