

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35781 of 2015

Arising Out of PS.Case No. -111 Year- 2015 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

- =====
1. Ram Bachan Kewat @ Sheo Bachan Kewat
 2. Thakur Kewat, Both are the sons of Late Gajadhar Kewat
 3. Pappu Kewat
 4. Kallu Kewat Both are the sons of Ram Bachhan Kewat @ Sheo Bachan Kewat
 5. Sheo Kewat, son Rajendra Kewat All are resident of village- Kesopur, R.S.- Durgawati, District- Kaimur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Navin Kumar Pandey (App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 30-10-2015

Heard both sides.

Since this application for anticipatory bail has already been rejected on behalf of petitioner no. 1 Ram Bachan Kewat by order dated 04.09.2015, this application has been heard only on behalf of petitioner nos. 2 to 5.

Petitioner Nos. 2 to 5 apprehend arrest in a case registered for the offences punishable under sections 307 and other allied sections of the Indian Penal Code.

The informant named the petitioners and alleged that they all came and began to abuse and assault. Petitioner no. 2



Thakur Kewat assaulted the informant with stick on his head causing injury. Other accused persons also assaulted him. When Vijay Kewat came, Sheo Bachan Kewat assaulted him on his forehead. When Gopi Kewat, cousin of the informant came, Thakur Kewat and Lallu Kewat assaulted him causing fracture injury in his finger.

Learned counsel for the petitioners submits that on account of land dispute the occurrence took place. There is a counter version bearing Durgawati P.S. Case No. 110 of 2015. Three persons are said to have been injured but only one Gopi Kewat got fracture injury in his finger, that too on account of assault made by Thakur Kewat. Thakur Kewat also assaulted the informant with stick on his head but the injury is simple in nature.

Considering the fact that there is land dispute between the parties and except the injury caused on the person of Gopi Yadav by petitioner no. 2 Thakur Kewat which is a fracture injury, there is no specific allegation against petitioner nos. 3, 4 and 5, namely, Pappu Kewat, Kallu Kewat and Sheo Kewat, they in the event of arrest or surrender within four weeks from the date of receipt/communication of this order, shall be enlarged 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

learned Chief Judicial Magistrate, Kaimur at Bhabhua in connection with Durgawati P.S. Case No. 111 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

So far as petitioner no. 2 Thakur Kewat is concerned, since there is allegation against him that he assaulted the informant as well as Gopi Kewat, who got fracture injury, I am not inclined to grant the privilege of anticipatory bail to him. His prayer for anticipatory bail is, accordingly, rejected in the aforesaid case.

Petitioner no 2 Thakur Kewat, if so advised, may surrender and pray for regular bail which shall be considered by the court below on its own merit without being prejudiced by this order of rejection.

(Prabhat Kumar Jha, J)

Amin/-

U			
---	--	--	--