

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20284 of 2016

Arising Out of PS.Case No. -326 Year- 2015 Thana -KHIJARSARAI District- GAYA

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1. Bodhan Yadav S/o Naurangi Yadav
 2. Shailendra Yadav S/o Late Rajal Yadav
 3. Ravindra Yadav S/o Late Rajal yadav
 4. Yogendra yadav S/o jalim Yadav
- All are resident of Village - Chhatahar, P.S.- Khizersarai , District-Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Sinha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 10-05-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 323, 324, 325, 307, 504 and 379 of the Indian Penal Code.

The prosecution case is that on 13.11.2015 at 6.30 A.M. in the morning the informant was sitting at his door when the co-villagers petitioner no. 1 Bodhan Yadav, petitioner no. 2 Shailendra Yadav and petitioner no. 3 Ravindra Yadav came armed with Khanti and Farsaand asked the informant that



why he has demolished his wall, thereafter petitioner no. 1 Bodhan Yadav assaulted with Khanti causing fracture injury on the finger of the informant. When Ajay Yadav the son of the informant and Ranu Yadav brother of the informant came to rescue they were also assaulted with Khanti and Farsa by petitioner no. 2 Shailendra Yadav, petitioner no. 3 Ravindra Yadav, petitioner no. 4 Yogendra Yadav and co-accused Pintu, Kishore and Baleshwar and when the other son Shiv Kumar and daughter-in-law Shivsati Devi came to rescue then they were also assaulted. It is alleged that petitioner no. 2 Shailendra Yadav snatched gold chain and earring of Shivsati Devi.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. There is case and counter case and petitioners' side have also received injuries.

It appears that the informant Deo Yadav and Ranu Yadav have received grievous injury. The accusation of assaulting the informant is specific against Bodhan Yadav petitioner no. 1. So far as Ranu Yadav is concerned, he has been assaulted by six persons when only one injury has been found to be grievous.

Considering the specific accusation of

assault against petitioner no. 1 Bodhan Yadav, let the learned court below consider the prayer for regular bail of petitioner no. 1, if he surrenders before the learned court below within a period of six weeks.

Keeping in view of the genesis of the occurrence and the accusation of assault against petitioner nos. 2 to 4 being omnibus and general, let the above named petitioner nos. 2 to 4 be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Khizersarai P.S. Case No. 326 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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