

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41496 of 2016

Arising Out of PS.Case No. -89 Year- 2016 Thana -CHANAN District- LAKHISARAI

1. Mulayam Yadav Son of Pankaj Yadav Resident of village - Bannu Bagicha, P.S. Chanan, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Smt Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-09-2016

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 342, 323, 307, 379, 34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of the informant Rajo Malakar recorded at Lakhisarai hospital on 14.07.2016 at 2:00 P.M is to the effect that on 14.07.2016 at 6:00 A.M the informant was near his house when his neighbour co-accused Pankaj Yadav started cleaning the drainage after uprooting the hutment of the informant. On protest being made, co-accused Pankaj Yadav, his wife Sarojani Devi and the petitioner Mulayam Yadav surrounded the informant when this petitioner caught hold the informant and co-accused assaulted with iron rod on the head of the informant. The wife of co-accused Pankaj Yadav namely Sarojani Devi assaulted the informant with fists and slaps. When the wife of the informant

Savitri Devi and his daughter Sabita Kumari came to rescue then they were also abused and assaulted. It is alleged against co-accused Pankaj Yadav that he snatched silver chain of the wife of the informant.

It is submitted by learned counsel for the petitioner that for a bona fide dispute with regard to the drainage the accusation has been levelled. The accusation of assault is specific against co-accused Pankaj Yadav and Sarojani Devi. The injury report of the informant reflects three injuries out of which two injuries are abrasion on forearm and over the back whereas one lacerated injury has been found on the occipital area of skull which is alleged to have been caused by co-accused Pankaj Yadav. It is further submitted that though the petitioner is accused in one other case but he is on bail in the above case. A statement has been made in para 3 of the petition.

Considering the genesis of the occurrence and the specific accusation of assault against co-accused Pankaj Yadav and Sarojani Devi, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, I, Lakhisarai in connection with Chanan P.S. Case No. 89 of

2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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