

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40109 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -GHANSHYAMPUR District- DARBHANGA

- =====
1. Maheshwar Yadav Son of Late Rameshwar Yadav.
 2. Tribeni Yadav Son of Maheshwar Yadav.
 3. Tuntun Yadav, Son of Dukhi Yadav.
 4. Ramavtar Yadav @ Ramavtar Son of Maheshwar Yadav.
 5. Anil Yadav Son of Ram Prakash Yadav.
 6. Binod Yadav @ Lukhar Yadav, Son of Dukhi Yadav All Nos. 1 to 6 are residents of Village- Boraba, Police Station- Ghanshyampur, District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-10-2016

Heard learned counsel for the petitioners, learned
counsel for the informant and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection
with Ghanshyampur P.S. Case No. 94 of 2016, G.R. No. 480 of
2016 registered for the offence punishable under Sections 379,
307 and other allied sections of the Indian Penal Code.

The prosecution case is that on 01.06.2016 at
about 6:00 P.M. while the informant was standing near his
furniture shop, accused persons came there, surrounded him and
began to abuse. On protest being made by the informant, accused
Maheshwar Yadav (petitioner no.1) ordered to kill him on which

co-accused Jag Narayan Yadav assaulted the informant by means of *farsa*, as a result of which he sustained injury on his head and fell down. Thereafter, co-accused Shiv Narayan Yadav also assaulted the informant with *farsa*. It is also alleged that other co-accused persons assaulted the informant with *lathi* and iron rod, as a result of which his right hand and right leg got fractured. There is allegation of theft also.

It has been submitted by the learned counsel for the petitioners that both parties have long drawn dispute over land and earlier also both sides filed case and counter case against each other, bearing Ghanshyampur P.S. Case Nos. 133 of 2015 and 134 of 2015. He submits that the present case is counter blast to Ghanshyampur P.S. Case No. 93 of 2016 lodged by petitioners' side in which both sides received grievous injury. He submits that in Ghanshyampur P.S. Case No. 93 of 2016, informant had been made accused and the petitioners' side had received grievous injuries and the informant has been granted the privilege of anticipatory bail in Cr. Misc. No. 38773 of 2016 on 28.09.2016 by a Co-ordinate Bench of this Court in connection with aforesaid Ghanshyampur P.S. Case No. 93 of 2016 lodged by the petitioners' side. He submits that apart from the aforesaid cases between both parties, petitioners have no criminal antecedent, as is

evident from paragraph 3 of this application.

However, learned counsel for the informant and the learned A.P.P. for the State submit that petitioners are named in the First Information Report and the injury caused on the informant has been found to be grievous in nature, hence, oppose the prayer for bail.

Be that as it may, since there is case and counter case and the matter relates to land dispute in which both sides sustained injuries, let the petitioners, named above, in the event of their arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Biraul, District Darbhanga in connection with Ghanshyampur P.S. Case No. 94 of 2016, G.R. No. 480 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J.)

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