

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21127 of 2016

Arising Out of PS.Case No. -148 Year- 2015 Thana -EKMA District- SARAN

=====

1. SATENDRA YADAV @ SATYENDRA YADAV
2. Sajan Yadav Son of Kishun Yadav, Both resident of village Senduyar,
P.S. Ekma, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md.Sufiyan (App)

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 03-08-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners apprehend their arrest in connection with
Ekma P.S.Case No. 148/2015 registered for the offence punishable
under Sections 341, 323, 324, 504, 306, 307/34 of the Indian Penal
Code.

The prosecution case, in brief, is that on 04.08.2015 at
12.30 P.M. Pattidar of informant, namely Satyendra Yadav, Sajjan
Yadav and Malti Devi were irrigating the field of informant for
cultivating paddy crops then niece of informant, Puja Kumari
protested upon which accused persons started to abuse Puja
Kumari. The informant further alleged that on alarm raised by
Puja Kumari, he went there and the accused persons started to
assault by fist and slaps and accused Satyendra Yadav also
inflicted Farsa blow on the head of the informant, as a result of

which the informant sustained injury on the head. The informant further alleged that when villagers came there, then accused persons fled away and informant returned back to his house, thereafter, accused namely, Ranjan Yadav, Sushila Devi, Babita Devi, Jitendra Yadav armed with lathi came there and started to assault the brother of the informant, Birendra Yadav and accused Rajan Yadav inflicted lathi blow on the head of Birendra Yadav and accused Sushila Devi and Babita Devi also assaulted the uncle of informant and accused Rajan Yadav assaulted the wife of informant.

It has been submitted by the learned counsel for the petitioners that they are innocent and are own pattidars and the incident took place for cultivating the paddy and the matter being land dispute, no case under Section 307 of the I.P.C is made out against them. He further submits that the allegations are general and omnibus and the injury report specifies simple injury, except the injury report in connection with Vikrama Yadav wherein injury No. 4, i.e. pain and swelling on the wrist and the injury No. 5 i.e. pain and swelling of the left leg which specifies that only injury No. 4 has been grievous in nature, which is on the wrist and injury No. 5, it is reserved for X-ray report. He submits that the injuries are not grievous but simple in nature.

It has further been submitted that there is a counter case bearing Ekma P.S. Case No. 147/2015 lodged by the

petitioners prior to the present case.

However, learned A.P.P. submits that the petitioners are named in the F.I.R. and the injury report also specifies the injury on one of the persons to be grievous, hence, opposes the prayer for bail.

Be that as it may, let the above named petitioners, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Chapra in connection with Ekma P.S.Case No. 148/2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

However, since the petitioners are accused in two more cases of similar nature, in future if they are found to have indulged in similar nature of offence, the learned court below will be at liberty to cancel the bail bonds of the petitioners without being prejudiced with this order.

(Nilu Agrawal, J)

Sudha/-

U		T	
---	--	---	--