

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23964 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -SRI NAGAR District- MADHEPURA

- =====
1. Saburdut Yadav Son of late Bitan Yadav
 2. Sunil Kumar@Sunil Yadav son of Saburdut Yadav
 3. Dharbin Yadav@Dharbin kumar Son of Devendra Yadav All are resident of Village- Sri Nagar , PS Sri Nagar, Distt Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha

For the Opposite Party/s : Mr. Pradip Narayan Kr.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-05-2016

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 379/34 of the Indian Penal Code.

The prosecution case is that the informant along with his maternal uncle were fencing then the accused persons came and started abusing, on protest being made petitioner No. 1 ordered to kill, thereupon petitioner No. 2 assaulted the informant with khanti causing injury on the neck, as a result the informant got unconscious and when Kan Devi came to rescue the informant, co-accused Sunil Yadav assaulted with khanti on her head. It is further alleged that petitioner No. 1 snatched rupees ten thousand from the informant.

It is submitted by learned counsel for the

petitioners that injuries have been found to be caused by hard and blunt substance, though opinion with regard to some of the injuries have been kept reserved. There is counter version of the occurrence also and the accusation has been levelled in the background of land dispute.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the fact that specific accusation of assault has been levelled against petitioner No. 2, let the petitioner No.2, 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 provisional anticipatory bail for three months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Srinagar P.S. Case No. 06 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let learned Court below verify from the records that no one has received grievous injury. If no one has received grievous injury then provisional bail of the petitioner No. 2 will be confirmed by learned Court below. If the Court below comes to the conclusion otherwise, then petitioner No. 2 will surrender and pray for regular bail.

Considering the fact that there is no specific accusation of assault against petitioner Nos. 1 and 3, let the

petitioner Nos. 1 and 3, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Srinagar P.S. Case No. 06 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Shageer/-

(Dinesh Kumar Singh, J)

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