

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30795 of 2016

Arising Out of PS.Case No. -19 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

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1. Ramakant Yadav son of Ramayan Yadav
2. Shambhu Yadav son of Baban Yadav
3. Raju Yadav son of Madan Yadav All 1 to 3 residents of village -
Paigambarpur, P.S. - Muffasil, District - Siwan.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Opposite Party/s : Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 03-08-2016 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 279, 337, 341, 323, 307, 324, 379, 504, 506/34 of the Indian Penal Code.

Prosecution case is that on 16.1.2016 at 7.30 PM the informant was crossing the road in front of his house to ease out, when Arjun Yadav dashed him by his Bolero vehicle due to which he fell down and sustained fracture injury on his hand. The son of the informant, Narad and grand-son Sonu Yadav came to rescue the informant, then co-accused Bachcha Lal Yadav and Kamal Yadav assaulted Narad with lathi and Farsa on his head causing injury on his head. Kamal Yadav assaulted Sonu Yadav with Farsa on his head, as a result he received cut injury. Thereafter Abhimanyu Yadav came to rescue the son and grand-son of the

informant, then the petitioners assaulted him with lathi. It is further alleged that Arjun Yadav took out Rs.1000/- from his pocket. After 20 days of the occurrence the informant died.

It is submitted by the learned counsel for the petitioners that the accusation of assaulting the informant Jangi Lal Choudhary or the informant's son Narad and his grand-son Sonu Yadav is not alleged against the petitioners. It is only alleged against the petitioners that they assaulted Abhimanyu Yadav and the statement has been made in paragraph 10 of the petition that Abhimanyu Yadav received simple injury, which has been quoted in paragraph 10 of the petition, which reads as follows:

"That the petitioners humbly submits that the injury no.1 of Jangilal Yadav is grievous in nature and rest injury of Jangilal Yadav, Narad Yadav, Sonu Yadav and Abhimannu Yadav are simple in nature.

Injury of Jangilal Yadav

1. Pain and Swelling over Left wrist
2. Pain and swelling left shoulder
3. Complaining of Low back pain

Injury no.1 is grievous in nature and injury nos. 2 and 3 are simple in nature.

Injury of Abhimannu Yadav

1. Lacerated wound 1 1/2"x 1/2" Muscle deep mid scalp
2. Swelling pain left Elbow 2"x1"

Both injury simple in nature."

It is further submitted that only Jangilal Yadav, the informant, received one grievous injury and the rest of the injured received simple injury. There is a counter version of the

occurrence and the statement has been made in paragraph 6 of the petition. Moreover, it is further submitted that the case has not been registered under section 302 of the Indian Penal Code till date.

Considering the fact that the petitioners are alleged to have only assaulted Abhimannu Yadav whose injuries are found to be simple in nature as per the statement made in paragraph 10 of the petition, let the abovenamed petitioners be released on provisional anticipatory bail for three months, in the event of their arrest or surrender before the learned court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan in Mufassil P.S.Case No. 19/2016, subject to the conditions as laid down under section 438(2) Cr.P.C.

The provisional bail of the petitioners shall be confirmed by the learned court below if the injuries of Abhimannu Yadav has been found simple in nature but if it is found that he has received grievous injury, then the petitioners will surrender before the learned court below and pray for regular bail.

(Dinesh Kumar Singh, J)

Surendra/-

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