

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46098 of 2016

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

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1. Shiva Narayan Yadav	
2. Jag Narayan Yadav, both are sons of Maheshwar Yadav, resident of village Boraba, P.S. Ghanshayampur, district Darbhanga	
	 Petitioners
Versus	
The State of Bihar	 Opposite Party

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Appearance :

For the Petitioners : Mr. Ashok Kumar Prasad, Adv.
For the Opposite Party : Mr. Dr.Mrityunjaya Kr.Gautam, APP 208

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-10-2016

Heard the parties.

The petitioners apprehending his arrest in Ghyanshyampur P.S. Case No. 94 of 2016 for offences under Sections 147, 148, 149, 341, 323, 324, 325, 379, 307 and 504 of the Indian Penal Code.

The prosecution case is that on 01.06.2016 when the informant was going to his furniture shop, the accused persons restrained him and started abusing. On protest, being made, co-accused, Maheshwar Yadav, ordered to kill, then, petitioner no. 2, Jag Narayan Yadav, assaulted with farsa to the informant causing head injury and when the informant fell down petitioner no. 1, Shiva Narayan Yadav, also assaulted with farsa on head and other accused persons assaulted the informant with fists and slaps, lathi and iron rod causing fracture of the right fore-arm and right leg.

It is submitted by the learned counsel for the petitioners that the case has been lodged in the background of land dispute. The informant has received only two grievous injuries on the right fore-arm and the right leg caused by other accused, who have been granted anticipatory bail by a coordinate Bench of this Court vide Cr. Misc. No. 40109 of 2016. The injuries on the head have been found to be swelling on right temporal area and laceration on the frontal area of the skull caused by hard and blunt

object, simple in nature.

It is also submitted that there is counter version of the occurrence being Ghanshyampur P.S. Case No. 93 of 2016 wherein petitioner no. 1, Shiv Narayan Yadav, received injuries and in the counter version also the informant's side have been granted bail vide Cr. Misc. No. 37474 of 2016 and 38773 of 2016. The statement has been given in paragraph 3 of the petition that the petitioner is on bail in other case.

The learned counsel for the informant submits that the accusation against the petitioners is of causing injuries on the vital part of body.

Considering the fact that the accusation against the petitioners is of making assault with farsa on head but both the injuries found have been simple and superficial caused by hard and blunt substance where the other accused persons, who alleged to have made assault on the other part of the body causing grievous injuries have been granted bail by coordinate Benches of this Court, let the petitioners, above named, in the event of their arrest or surrender, within four weeks from the date of receipt of this order, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Ghanshyampur P.S. Case No. 94 of 2016 to the satisfaction of the Additional Chief Judicial Magistrate, Biraul, Darbangha, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Dinesh Kumar Singh, J)

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