

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50744 of 2016

Arising Out of PS.Case No. -173 Year- 2016 Thana -CHOUTARWA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Munna Yadav.
 2. Manoj Yadav
 3. Bhutti Yadav alias Bhukti Yadav.
All three Sons of Pyare Chand Yadav @ Pyare Chandra Yadav.
 4. Bhola Yadav, Son of Bhutti Yadav @ Bhukti Yadav.
 5. Pyare Chand Yadav alias Pyare Chandra Yadav, son of Late Lakhraj Yadav.
 6. Pappu Yadav, Son of Kishori Yadav.
All resident of Village- Chandraha, Rupwalia, P.S.- Bathwaria, District-
West Champaran.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioners : Mr.
For the State : Mr.
For the Informant. : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 08-12-2016 At the very outset, learned counsel for the petitioners submits that the petitioner nos.1, 2 and 4, above named, have already surrendered before the court below.

In that view of the matter, learned counsel for the petitioners prays for permission to withdraw this application in respect of the petitioner nos.1, 2 and 4, above named.

Accordingly, this application in respect of the petitioner nos.1, 2 and 4, above named, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.3, 5 and 6, above



named, for grant of anticipatory bail is being considered.

Heard the parties.

The petitioner nos.3, 5 and 6 apprehend their arrest in connection with Chautarwa (Bathwaria) P.S. Case No.173 of 2016 registered under Sections 147, 148, 149, 323, 341, 326, 307 and 379 of the Indian Penal Code.

The accusation is that all the F.I.R. named accused including the aforesaid petitioners armed with lathi, danda and farsa were ploughing the field of the informant forcibly. When the informant Rajendra Yadav made protest, all the accused persons including the aforesaid petitioners started assaulting the informant causing fracture injury in his right hand. When the informant fell down and became unconscious, and his cousin Gopal Yadav, Dinesh Yadav, Upendra Yadav, uncle Manager Yadav and aunt Razia Devi rushed to save the informant, all the accused persons including the aforesaid petitioners caused injury to them through lathi, danda and fists and slaps. At that time, the co-accused Dipu Yadav and Kishori Yadav caused injury at the head of Manager Yadav and Gopal Yadav.

Submission on behalf of the aforesaid petitioners is that, admittedly, due to land dispute, the occurrence of "Maar-Peet" took place in between the parties in course of which, petitioner no.1 Munna Yadav, co-accused Kishori Yadav and petitioner no.6 Pappu Yadav also sustained injury at the hands of the informant regarding which Chautarwa (Bathwaria) P.S. Case No.174 of 2016 has been lodged by



Kishori Yadav, the father of the petitioner no.6 under Sections 147, 148, 149, 341, 323 and 379 of the Indian Penal Code against the informant and 32 others. Further submission is that all the injuries, as found on the person of the informant and other injured, are simple in nature except injury no.2 caused to the informant in his ring finger of his right hand, which is lacerated wound and grievous in nature. Moreover, there is general allegation against the aforesaid petitioners and others.

Having considered the facts and the circumstances of the case, let the petitioner nos.3, 5 and 6, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Bagaha, District-West Champaran, in connection with Chautarwa (Bathwaria) P.S. Case No.173 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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