

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26726 of 2016

Arising Out of PS.Case No. -154 Year- 2015 Thana -SIRDALA District- NAWADA

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1. Subhash Yadav, son of Sri Hari Yadav resident of Village - Koreya,
Police Station - Fatehpur, District-Gaya

2. Sunil Prasad @ Sunil Yadav, son of Sri Lakhan Prasad @ Ram Lakhan
Prasad Yadav

3. Biku Prasad @ Vikash Kumar, son of Sri Ramji Prasad

4. Sujeet Prasad @ Sujeet Kumar, son of Sri Prasad @ Sri Shiv Shankar
Yadav

Petitioner no. 2 to 4 are resident of Village - Bahuara, Police Station -
Sirdala, District - Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Rabi Bhushan Prasad No. 1, Advocate.

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 01-09-2016

Heard both sides.

The petitioners, namely, Subhash Yadav, Sunil Prasad @ Sunil Yadav, Biku Prasad @ Vikash Kumar and Sujeet Prasad @ Sujeet Kumar apprehend their arrest in Sirdalla P.S. Case No. 154/2015 registered under Sections 147, 148, 149, 341, 323, 324, 325, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

Informant Kunti Devi alleged that while her husband was sowing paddy seeds, all the accused persons came and assaulted her husband. Her husband got fracture injury on his armpit and other parts of his body. It is submitted that there is a



counter version, being Sirdalla P.S. Case No. 160/2015, in which Narayan Prasad (husband of the informant) and others are accused. CS Plot No. 2383, CS Khata No. 391 was carved out as RSP No. 5959, RS Khata No. 457. RSP No. 5956 and some other lands belonged to Shiv Shankar Yadav, the husband of Sumitra Devi, but on account of some mistake in the revisional survey, Narayan Prasad (husband of the informant) ploughed those lands considering the same to be his own. Ram Sharan Yadav and others filed a suit for correction of Khatian entry and the suit is pending.

It appears that omnibus and general allegation is made against the petitioners and out of three injuries found on the person of Narayan Prasad, only one injury, i.e., fracture of Ulna is found to be grievous in nature.

Considering the facts that there is land dispute between the parties and there is case and counter-case in which omnibus and general allegation is made and the husband of the informant got only one grievous injury, that too, on his hand on account of scuffle, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of

the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Nawadah in Sirdalla P.S. Case No. 154/2015,
subject to the conditions as laid down under Section 438(2) of the
Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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