

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28012 of 2016

Arising Out of PS.Case No. -67 Year- 2016 Thana -ISLAMPUR District- NALANDA
(BIHARSHARIFF)

- =====
1. Jai Ram Yadav son of Shiv Yadav.
 2. Suresh Yadav son of Late Brahmdeo Yadav.
 3. Brij Nandan Yadav son of Late Brahmdeo Yadav.
 4. Ramjee Yadav son of Rup Lal Yadav.
 5. Lala Yadav son of Sobhi Yadav.
 6. Sri Kant Yadav son of Sobhi Yadav. All resident of village Mehru Goraiya, Police Station-Islampur, District-Nalanda.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Samir Kumar Bharti, Advocate.

For the Opposite Party : Mr. Rajendra Singh Shastriji, APP.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 28-09-2016 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition on behalf of petitioner no. 5 who has already been arrested.

Accordingly, prayer for anticipatory bail petition on behalf of petitioner no. 5 Lala Yadav is dismissed as has become infructuous.

Heard both sides.

The petitioners 1, 2, 3, 4 and 6 apprehend their arrest in Islampur P.S. Case No. 67 of 2016 registered for the offences punishable under Section 307 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant Satyadeo Yadav named 13 persons including the petitioners and 15 other unknown persons and alleged that they

having armed with different weapons came and assaulted the informant and his family members Ranjit Kumar, Kamendra Yadav, Jairam Yadav, Nitish Kumar and Uma Devi and others.

Learned counsel for the petitioners submits that there is no specific allegation against the petitioners. Altogether 30 persons are alleged to have assaulted the informant and others but from perusal of the injury report as annexed to the supplementary affidavit as Annexure-3 series, it would appear that Ranjit Kumar got three injuries out of which injury no. 2 is swelling tenderness over left fore-arm opined to be grievous in nature on account of fracture of arm bone. Similarly, Kamendra Yadav got swelling tenderness over left hand dorsal aspect of palm. The X-ray suggested fracture of first Phalanx (thumb of left hand). Other injured got simple injuries. From the side of the petitioners also many persons were injured and one of them got grievous injury on account of fracture of bone. The occurrence took place due to land dispute. From the side of the petitioners Islampur P.S. Case No. 68 of 2016 was registered on the fardbeyan of Shiv Yadav. It is further submitted that in the case of the petitioners five persons from the side of the informant have already been granted bail vide order passed in Cr. Misc. No. 28340 of 2016 on 26.07.2016.

On the other hand Sri Mahesh Prasad learned counsel for the informant as well as learned APP vehemently opposed the prayer for anticipatory bail of the petitioners. Sri Mahesh Prasad submitted that Kamendra Yadav was seriously injured and he came around after

many months. The prosecution side was in possession of the land and there was order of status quo by the commissioner. The petitioners are aggressor.

It appears that there is case and counter case and the occurrence took place due to land dispute. Both the sides claimed possession over the land and on account of which there was mutual scuffle and assault. There is no specific allegation of assault made against the petitioners.

Considering the facts aforesaid, the petitioners 1, 2, 3, 4 and 6 above named, in the event of their arrest or surrender before the 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) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Hilsa, Nalanda in Islampur P.S. Case No. 67 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--