IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16273 of 2017

Arising Out of PS.Case No. -53 Year- 2016 Thana -BALUA BAZAR District- SUPAUL

==========

1. Birendra Yadav @ Manoj Kumar Yadav,
2. Divendra Yadav @ Dipen Yadav @ Dipendra Yadav, Both Sons of Vidyanand Yadav,
3. Vidyanand Yadav, Son of Late Ramprasad Yadav, All are Resident of Village- Laxminia Ward No. 11, Police Station- Balua Bazar, District- Supaul.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

==========

Appearance :
For the Petitioners : Mr. Arun, Advocate.
For the Opposite Party : Mr. Aditya Narayan Singh 1, APP.

==========

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-05-2017 Heard both sides.

The petitioners apprehend their arrest in Balua Bazar (Lalit Gram) P.S. Case No. 53 of 2016 registered for the offences punishable under Section 307, 354A and other Sections of the Indian Penal Code.

The informant alleged that her father-in-law went to complain that the accused persons assaulted his she buffalo and broken her horn. The petitioners having armed with different weapons started abusing the father-in-law of the informant. The father-in-law of the informant fled away from the place of occurrence. When Ashish Kumar, son of the informant, went to save, Birendra Yadav is alleged to have assaulted him with Pharsa

WEB COPY

on his right armpit.

Learned counsel for the petitioners submits that there is a counter version being Balua Bazar (Lalit Gram) P.S. Case No. 54 of 2016 on account of land dispute scuffle took place between the two sides. The doctor found injuries over the right hip of Ashish Kumar, but the informant alleged that the blow given by petitioner no. 1 hit on the right armpit. It is submitted that the prosecution version is not believable.

It appears that the informant made specific allegation against Birendra Yadav that he assaulted her son Ashish Kumar which hit on right armpit and the doctor found one injury which is opined to be grievous in nature. There is no specific allegation against petitioner no. 2 and 3 namely Divendra Yadav @ Dipen Yadav @ Dipendra Yadav and Vidyanand Yadav.

Considering the facts aforesaid petitioner no. 2 Divendra Yadav @ Dipen Yadav @ Dipendra Yadav and petitioner no. 3 Vidyanand Yadav, 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) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Ist Class, Supaul

WEB COPY

in Balua Bazar (Lalit Gram) P.S. Case No. 53 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far as the case of petitioner no. 1 Birendra Yadav @ Manoj Kumar Yadav is concerned, there is specific allegation against him that he assaulted the son of the informant with Pharsa which hit on the right hip and the doctor found the injury to be grievous in nature, I am not inclined to enlarge the petitioner no. 1 Birendra Yadav @ Manoj Kumar Yadav on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	

WEB COPY