

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29400 of 2017

Arising Out of PS.Case No. -119 Year- 2015 Thana -BITHAN BAZAR District- SAMASTIPUR
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1. Anuj Yadav
2. Rajo Yadav both 1 and 2 are son of late Kantlal Yadav
3. Savitri Devi, wife of Buchi Yadav
4. Lukhiya Devi wife of Anuj Yadav
All are resident of village-Kelwari, Police Station-Bithan, District-Samastipur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s
=====

Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Sri Nityanand Tiwary
=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 01-07-2017 Heard the learned counsel for the petitioners and the

learned APP for the State.

The petitioners apprehend their arrest in connection
with Bithan P.S. Case No. 119 of 2015 instituted for the
offences punishable under Sections 147, 148, 149, 341, 323,
307, 379 and 427 of the Indian Penal Code.

The informant in his written report has alleged that
on 09.10.2015, these petitioners and 6 others armed with deadly
weapon came at his house and they started removing the
thatched roof of his courtyard. The informant raised protest
whereupon, they assaulted by means of iron rod and lathi. The
accused persons snatched golden ornament of his wife from her



ear and nose.

Learned counsel for the petitioners submits that it was the informant and his men, who committed overt act for which a police case vide Bithan P.S. Case No. 120 of 2015 was registered for the offence under Sections 341, 323, 324, 308, 379, 380, 448 and 427/34 of the Indian Penal Code. In the said occurrence, from the side of these petitioners four persons sustained injuries. The injuries which were caused on informant and his men were found simple in nature and no offence under Section 307 of the Indian Penal Code is made out. Both parties are agnates and the occurrence took place on account of land dispute.

The learned APP, on the other hand, opposed the submission.

The injury reports available on record show that the informant sustained swelling injury on his head and the wife of informant and other co-accused also sustained lacerated wound on their person.

In the aforesaid facts and circumstances of the case, the anticipatory bail application is allowed. The petitioners, above named, in the event of arrest / surrender within four weeks from today, be released on bail on furnishing bail bonds



of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Rosera, District-Samastipur in connection with Bithan P.S. Case No. 119 of 2015, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sanjay Kumar, J)

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