

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49103 of 2016

Arising Out of PS.Case No. -111 Year- 2016 Thana -BHARGAMA District- ARRARIA

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1. Bindeshwari Yadav, S/o Late Bishundeo Yadav
2. Subodh Kr. Yadav @ Subodh Kumar, S/o Sakaldeo Yadav
3. Shravan Kumar @ Shravan Kumar Nirala, S/o Bindeshwari Yadav
4. Sri Ram Yadav @ Sri Ram Kumar Yadav, S/o late Bishundeo Yadav
5. Ajay Kumar Yadav @ Ajay Kumar, S/o late Chandradeo Yadav
6. Sonu Kumar S/o Subhash Yadav

All Village- Rahariya, P.S.- Bhargama, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate.

For the Opposite Party/s : Smt. Rita Verma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

3 27-01-2017 Heard learned counsel for the petitioners and the State.

The petitioners seek anticipatory bail in a case instituted for the offence under Sections 341, 323, 325, 379, 307, 427, 506 and 504/34 of the Indian Penal Code.

It is alleged in the written report that on the order of Bindeshwari Yadav (petitioner No. 1), accused Raman Kumar armed with Farsa and Shravan Kumar (petitioner No. 3) armed with three-nut, Ajay Kumar Yadav (petitioner No. 5), Sonu Kumar (petitioner No. 6) Subodh Kumar Yadav (petitioner No. 2) and Sri Ram Yadav (petitioner No. 4) armed with lathi and rod



arrived and started assaulting the father and brother of the informant with lathi indiscriminately. When the informant and his brother Ravindra Yadav, nephew Dharmpal Yadav and cousin Shkundo Yadav went to save them, Raman Yadav assaulted Dharmpal Kumar with Farsa on his head with intention to kill causing serious injury on account of which he fell down and bleeding started. The other accused persons assaulted brother, father, cousin brother of the informant with lathi and rod indiscriminately. Bindeshwari Yadav assaulted the informant with rod causing injury in his finger. It is further alleged that Subodh Yadav snatched golden chain from brother of the informant Sunil Yadav and also assaulted with lathi on account of which his left leg was fractured. Shravan Kumar showed three-nut and gave threat of dire consequences.

Police submitted report in paragraphs 19, 20, 21, 24 and 27 of the case diary where the doctor has found simple injury on the persons of Pawan Kumar and Sunil Kumar, but they are on non vital part of the body.

From the written report it appears that the occurrence has taken place on account of land dispute between the parties. It is mentioned in para-3 of the bail petition that the petitioners have no criminal antecedents.



It has been submitted on behalf of the petitioners that petitioner No. 1 has also instituted Bhargama P.S. Case No. 112 of 2016 for the offences under Sections 147, 148, 341, 323, 379, 307, 506 and 34 of the Indian Penal Code against the informant and others.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named in the event of surrender within six weeks from the date of receipt of this order, in connection with Bhargama P.S. Case No. 111 of 2016, shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

S.Ali/-

(Sanjay Priya, J)

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