

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21514 of 2017

Arising Out of PS.Case No. -283 Year- 2016 Thana -BIRAUL District- DARBHANGA

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1. Chhedi Yadav Son of Jagadish Yadav, Resident of Village- Nisihara,
Police Station- Biraul, District- Darbhanga

2. Kameshwar Yadav Son of Yadu Yadav, Resident of Village- Shahari,
Police Station- Biraul, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 07-09-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

Learned counsel for the petitioners seeks permission to
withdraw the bail petition of Petitioner no. 1 Chhedi Yadav as he has
already been arrested by the Police.

Accordingly, the prayer of bail of petitioner no. 1
Chhedi Yadav is dismissed as withdrawn.

Petitioner no. 2 Kameshwar Yadav apprehends his
arrest in connection with Biraul P.S. Case No. 283/2016 registered
under Sections 147, 148, 341, 323, 324, 307, 448, 354, 427 & 379 of
the Indian Penal Code.

Allegation of the informant Reshma Devi is with



respect to dispute of land, situated near the house of the informant, that four persons, named in the F.I.R., including petitioner no. 2 Kameshwar Yadav came with deadly weapons and started to put bamboo on the land. Then, Biro Mukhiya and Chandan Mukhiya both sons of informant made protest. Petitioner no. 1 Chhedi Yadav having Khanti and Petitioner no. 2 having Bhala in their hands started assaulting causing serious injury. When the informant, her husband Jai Shankar Mukhiya and daughters-in-law came to save, they were also assaulted.

Learned counsel for petitioner no. 2 submits that four injuries and three injuries respectively were sustained by Biro Mukhiya and Chandan Mukhiya both sons of the informant, but injuries of Chandan Mukhiya are simple in nature, whereas, out of four injuries of Biro Mukhiya, three injuries are simple in nature and with regard to one injury, which is bleeding of right ear, the opinion is kept reserved. Further submission is that admittedly the occurrence took place due to land dispute in which petitioner's side also sustained injury. On the basis of written report of wife of petitioner no. 1 Biraul P.S. Case No. 285/2016 is also instituted against Biro Mukhiya, Chandan Mukhiya and Jatai Mukhiya, sons of the informant of the present case and two others.

Having regard to the facts and circumstances of the case, let petitioner no. 2 Kameshwar Yadav be released on bail, in



the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Biraul, Darbhanga in connection with Biraul P.S. Case No. 283/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J.)

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