

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53645 of 2017

Arising Out of PS.Case No. -61 Year- 2017 Thana -THARTHARI District- NALANDA
(BIHARSHARIFF)

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1. Dharjun Yadav, Son of Rohan Gope
2. Bato Yadav, son of Dharjun Yadav
3. Tutu Kumar, son of Dharjun Yadav
4. Vikash Kumar, son of Dharjun Yadav
5. Nirmala Devi, wife of Dharjun Yadav
All residents of Vilalge- Dudhichak, P.S. Tharthari, District- Nalanda.
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Opposite Party/s : Mr. Prem Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners and State.

The petitioners are apprehending their arrest in connection with Tharthari P.S. case no. 61 of 2017 for the offence under Sections 341, 323, 308, 504 and 379/34 of the Indian Penal Code.

Counsel for the petitioners submits that during the pendency of this application petitioner no.1, namely, Dharjun Yadav, was arrested and as such his application for grant of anticipatory bail has now become infructuous.

Counsel for the petitioners submits that there is case and counter case between the parties on account of land dispute.



He submits that against petitioner no.5, namely, Nirmala Devi, there is only allegation of abusing. Allegation against petitioner no.2, namely, Bato Yadav, is that he has snatched Rs.30,000/- from the pocket of the informant, whereas against petitioner no. 4 Vikash Kumar, there is allegation that he has assaulted the son of the informant. So far as Tutu Kumar (petitioner no.3) is concerned, there is no specific allegation against him.

From the perusal of the fardbeyan, it appears that although there is allegation of assault against Vikash Kumar (petitioner no.4), but there is no reference as to what weapon he used to assault the son of the informant. Since allegation of assault by Lathi was leveled against Dharjun Yadav (petitioner no.1), who was arrested during the pendency of this case and against the other there is no specific allegation of assault causing injury to the informant side and also considering the fact that there was case and counter case on account of land dispute between the parties, who are Gotia's, the petitioner nos. 2 to 5, namely, Bato Yadav, Tutu Kumar, Vikash Kumar and Nirmala Devi, in the event of arrest or surrender before the court below within one month from today, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the amount each to the satisfaction of Shri Amarjeet Kumar, Judicial



Magistrate, 1st Class, Hilsa, Nalanda in connection with Tharthari
P.S. case no. 61 of 2017 subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Upadhyay, J)

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