

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60338 of 2017

Arising Out of PS. Case No.-320 Year-2017 Thana- RAJAUN District- Banka

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1. Suresh Yadav, S/o- Bhola Yadav,
 2. Shanti Devi, W/o- Suresh Yadav,
 3. Devendra Yadav, S/o- Late Bhola Yadav,
 4. Vina Devi, W/o- Suman Yadav, All are R/o- Village- Subakha,
P.S.- Rajaun , District- Banka.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar
For the Opposite Party/s : Mr. Rajendra Singh Shastriji

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 20-12-2017 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 308, 379 and 504/34 of the IPC.

The prosecution case, as per the written report of Roma Devi is to the effect that on 12.07.2017 at 5 PM, the informant went to get her land ploughed, when co-accused Chintu Yadav, Suman Yadav, petitioner no.2, Shanti Devi and petitioner no.3, Devendra Yadav went to the field and restrained the informant from ploughing the field. Thereafter, all the four persons started assaulting the informant with fists, slaps, danda and Khanti. Thereafter, petitioner no.1, Suresh Yadav and petitioner no.4,



Veena Devi also assaulted causing bleeding injury to the informant and when the husband's informant, Vakil Yadav and son, Saurabh Kumar came to her rescue, accused persons assaulted them also.

It is submitted by learned counsel for the petitioners that accusation of assault is omnibus and general. As per own admission of the informant, as gets reflected from the FIR, the occurrence took place in the background of serious land dispute. There is counter version of the occurrence also, being Rajaun P.S. Case No. 319 of 2017. The FIR does not reflect that apart from the informant, her son or her husband received any injury, however, impugned order reflects that informant and his son have received one injury each, but in spite of repeated reminders supplementary injury report was not produced before the learned court below. The opinion with regard to injury of the informant has been kept reserved. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation of assault is omnibus and general against the petitioners.

Considering the fact that the accusation has been levelled in the background of serious land dispute and there is counter



version of the occurrence also, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Banka in connection with Rajaun P.S. Case No. 320 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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