

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18087 of 2017

Arising Out of PS.Case No. -18 Year- 2017 Thana -NARPATGANJ District- ARRARIA

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1. PAWAN YADAV @ PAWAN KUMAR YADAV Son of Late Kesho Yadav
 2. Ramesh Yadav Son of Late Kesho Yadav
 3. Bijo Yadav Son of Late Dukha Yadav
 4. Khelo Yadav Son of Late Dukha Yadav
 5. Rajesh Yadav Son of Bijo Yadav All are Resident of Village- Dharha Madhura West, Police Station- Narpatganj, District- Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 18-08-2017 The prayer for anticipatory bail filed on behalf of petitioner No.1 Pawan Yadav @ Pawan Kumar Yadav has been rejected vide order dated 20.07.2017.

Heard learned counsel for the petitioner Nos. 2 to 5 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Narpatganj P.S. Case no.18 of 2017, registered under Sections 341, 323, 324, 307, 379, 504 and 506/34 of the Indian Penal Code.

The allegation of informant Kapildeo Yadav is that on 14.01.2017 at about 8.00 A.M. he was ploughing his field, in the meantime, eight persons named in the F.I.R., including the petitioners, variously armed with weapons reached at his field and forbade to



plough the filed. On protest made by informant, Pawan Kumar caused injury at his head by means of farsa. When Rajdeo Yadav, brother of the informant, rushed to rescue the informant then all the accused persons also assaulted him. On hearing hulla, Sakaldeo Yadav and Umda Devi, brother and mother of the informant, rushed to intervene then they were also assaulted by them. At that time, Vikash Yadav torn the clothes of his mother and snatched her golden as well as silver ornaments.

Learned counsel for the petitioner Nos. 2 to 5 submits that it would appear from the F.I.R. that there is general and omnibus allegation against the petitioners to cause injury to Rajdeo Yadav, Sakaldeo Yadav and Umda Devi, but no any injury was found on the person of the mother of the informant. Further submission is that four injuries were found on the person of Rajdeo Yadav, out of them three injuries were found simple in nature and opinion reserved regarding injury No.1, whereas two injuries received by Sakaldeo Yadav out of them one injury was found grievous. Further submission is that the occurrence of Marpit took place due to land dispute in which petitioner side also sustained injuries regarding which Narpatganj P.S. Case No. 19 of 2017, under sections 341, 323, 379, 504 and 506/34 was instituted against the informant and others by petitioner No.4 Khelo Yadav.

Having regard to the facts and circumstances of the case, let the petitioner Nos. 2 to 5, be released on bail, in the event of their



arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 18 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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