

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60475 of 2017

Arising Out of PS.Case No. -115 Year- 2017 Thana -SIMRI District- BUXAR

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1. Manoj Yadav, Son of Rambilash Yadav,
 2. Srikant Yadav, Son of Late Harihar Yadav,
 3. Vikash Yadav @ Vikash Kumar, Son of Late Harihar Yadav, All
resident of Village- Davanpura, P.S.- Simri, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 13-12-2017

Heard learned counsel for the petitioners

and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 337, 341, 307, 379 and 504 of the Indian Penal Code.

The prosecution case got initiated on the written report of Barmeshwar Yadav, the informant, to the effect that with regard to a dispute of taking water from the hand pump the FIR named accused persons including the petitioners came, variously armed and co-accused Laxman Yadav assaulted with Rami (sharp cutting weapon) on the head of the informant



causing injury. On alarm being raised when the son Upendra Kumar, daughter Puja Kumari and wife Shivkumari Devi came to rescue then Laxman Yadav and Jitendra Yadav (non-petitioners) assaulted them with iron rod. All the other accused persons were pelting stones. It is alleged that Chandrakali Devi snatched Mangalsutra from the neck of the informant's wife, namely, Shivkumari Devi and chain from the daughter of the informant, namely, Puja Kumari.

It is submitted by learned counsel for the petitioners that there is no specific accusation of assault against the petitioners. There is omnibus and general accusation of assault against the petitioners and in the background of land dispute the accusation has been levelled. There is counter version of the occurrence being Simri P.S. Case No. 116 of 2017 registered on 07.06.2017 for the offences punishable under Sections 147, 148, 149, 323, 341, 307, 379 and 504 of the Indian Penal Code. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent and co-accused Laxman Yadav and Jitendra Yadav have been granted regular bail by the learned Court below.

Considering the fact that the accusation of



assault has not been specifically alleged against the petitioners coupled with the statement made in paragraph 3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or 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 the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Buxar in connection with Simri P.S. Case No. 115 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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