

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23870 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -RAJGIR District- NALANDA
(BIHARSHARIFF)

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1. Vijay Yadav, S/o Ram Swarup Yadav,
 2. Sanjeet Yadav, S/o Ram Swarup Yadav,
 3. Mithlesh Yadav, S/o Kuldeep Yadav, All resident of Village- Fatehpur,
P.S.- Rajgir, District- Nalanda.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1

For the Opposite Party/s : Mr. Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 25-08-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with
Rajgir P.S. Case no. 46 of 2017, registered under Sections 341, 323,
325, 307, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 02.03.2017 informant was
cutting paddy crops in the meantime, petitioner No.1 and petitioner
No.3 came there and started to abuse and forbade to cut the paddy
crop. On protest, petitioner No.1 called Nitish Kumar, Sailesh Kumar
and Sanjit Kumar (Petitioner No.3), who came armed with lathi, danda
and iron rod and started to cause assault to informant and his son.
When informant raised alarm then Subodh Kumar son of Mithilesh
Yadav came and started to abuse him and gave threatening to kill him.



Learned counsel for the petitioners submits that, in fact, the occurrence took place due to land dispute. Further submission is that it would appear from the F.I.R. that while petitioners are named in the F.I.R. along with four others, but no specific overt act has been attributed against the petitioners. Moreover, the injuries as found on the person of the informant and his son are simple in nature except Injury No.3, which is bruise and tenderness on the little fingers of right hand of son of informant. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, 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) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Rajgir P.S. Case No. 46 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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