

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47752 of 2017

Arising Out of PS. Case No.-34 Year-2017 Thana- MARAUNA District- Supaul

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1. Ram Julum Yadav, Son of Late Hanslal Yadav,
2. Santosh Kumar @ Santosh Kumar Yadav, Son of Ram Julum Yadav,
Both are Resident of Village- Saroja Bela, Tola Koni, P.S.- Marauna, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-10-2017 Heard learned Counsel appearing on behalf of the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341/323/324/307/354A/379/504/506/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case as per the written report of Sonawati Devi, submitted before the Marauna Police Station on 17.03.2017, to the effect that on 17.03.2017, at 5.00 P.M., the informant was cutting grass on her land, in the meantime,



accused persons including the petitioners came variously armed and they started assaulting the informant. It is specifically alleged that on the order of petitioner no.1, Ram Julum Yadav, petitioner no.2, Santosh Yadav and co-accused, Saroj Yadav, snatched gold nose-pin from the informant worth Rs.3200/- and tore her cloths. In the meantime, brother-in-law of the informant, namely, Lalo Yadav, came to her rescue upon which co-accused Shiv Narayan Yadav ordered to kill him whereupon petitioner no.2 assaulted on the head of the brother-in-law of the informant with Farsa when the nephew of the informant namely Anil Yadav and Sunil came to rescue then on the order of petitioner no.1 Arjun Yadav and Bheem Yadav assaulted them with deadly weaopn. The accused persons took away Rupees Two Thousand and other articles from the courtyard of the informant. On seeing the villagers comeing on the spot petitioner no.2 resorted to fire on the informant, but he did not receive any injury.

It is submitted by learned Counsel for the petitioners that in the background of land dispute, the accusation has been levelled. Statement has been made in paragraph no.12 of the petition that there is no injury report on record and none have received any injuries. Paragraph no.12 reads as under :-



“That as per allegation made in the F.I.R. there is allegation against petitioner no.2 Santosh Yadav is of assaulting to the Dewar of the informant on his head however there is no injury report on the record and also no person got injured due to alleged firing made by the petitioner no.2 and hence, no case U/s 324 and 307 of I.P.C. is made out against him.”

It is further submitted that there is counter version of the occurrence also. A statement has been made in paragraph no.3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, 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 12 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 learned Judicial Magistrate, 1st Class, Supaul, in connection with Marauna P.S. Case No.34/2017 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioner will be accepted by



the learned Court below on verification from the record that no
grievous injury has been caused to the informant's side.

Ashwini/-

(Dinesh Kumar Singh, J)

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