

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47313 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -KHAJAULI District- MADHUBANI

- =====
1. Vinod Yadav S/o Late Ramprit Yadav
 2. Ashok Yadav S/o Ram Karan Yadav
 3. Ram Bharosh Yadav S/o Rudal Yadav
 4. Amod Yadav S/o Biltu Yadav
 5. Manoj Yadav S/o Biltu Yadav
 6. Amar Yadav S/o Rajdeo Yadav
 7. Surendra Yadav S/o Late Nim Yadav All are residents of Village Dadha, P.S. Khajauli, District - Madhubani.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 04-10-2017 Learned counsel for the petitioners seeks permission to withdraw the application filed on behalf of Petitioner No.1 Vinod Yadav.

In view of the above, the application filed on behalf of petitioner No.1 Vinod Yadav is dismissed as withdrawn.

Heard learned counsel for the petitioner Nos. 2 to 7 and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Khajauli P.S. Case no. 46 of 2017, registered under Sections 341, 323, 324, 307, 427, 480, 448 and 454/34 of the Indian Penal Code and Section 3/4 of the Explosive Substance Act.



The accusation is that due to land dispute Sajjan Yadav, Baleshwar Yadav, Petitioner No.6 Amar Yadav, Binod Yadav, Sushil Yadav etc. having armed with sword, Dabiya came and started to cut bamboo from bamboo clamp and also dug the path, when informant made protest then he was being assaulted. On raising alarm, Pawan Yadav, cousin of the informant rushed then Baleshwar Yadav assaulted Pramod Yadav on his head by means of Dabiya, when Ashok Yadav came to save him then Binod Yadav assaulted him by means of Bhala at his eye. Later on, Ram Bharosh Yadav, Amod Yadav, Santosh Yadav, Ashok Yadav, Manoj Yadav and Surendra Yadav (petitioners) and others also came having armed with lathi and sticks at that time petitioner No.3 Ram Bharosh Yadav caused injury at the nose of Anju Devi. At that time Binod Yadav also hurled bomb and Ashok Yadav, cousin of the informant, sustained injury by the splinters of the bomb.

Learned counsel for the petitioner No. 2 to 7 submits that it would apparent from the F.I.R. that there is specific allegation to cause injury to the informant and others against co-accused Binod Yadav, whereas allegation against the petitioner No.3 Ram Bharosh Yadav to cause injury through knife at the nose of Anju Devi, but the injury as found on the nose of the injured is caused by hard and blunt substance and not by sharp cutting weapon and no specific overt act has been attributed against the petitioner Nos. 2, 4,5,6 and 7. Further submission is that the occurrence of Marpit took place due to land



dispute in which petitioners were also sustained injuries regarding which Khajauli P.S. Case No. 47 of 2017, under Sections 341, 323, 324, 307, 337, 338 and 427/34 of the Indian Penal Code is instituted against informant and others of the present case.

Having regard to the facts and circumstances of the case, let the petitioner Nos. 2 to 7, 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 A.C.J.M.-III, Madhubani in connection with Khajauli 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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