

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20466 of 2018

Arising Out of PS. Case No.-119 Year-2017 Thana- BHANGWANPUR HAT District- Siwan

Guddu Yadav S/o Lalan Yadav, R/o Village- Juafar, P.S.- Bhagwanpur Hat,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ram Bachan Singh, APP 189

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State

The petitioner is apprehending his arrest in connection with Bhagwanpur Hat P.S. Case No. 119 of 2017 for offences punishable under Sections 147, 148, 149, 323, 307, 302 and 504 of the Indian Penal Code.

The prosecution case, as per the fardbeyan of Binda Yadav, recorded by Sub-Inspector of Police, Saroj Kumar, Town Police Station, Siwan, in the emergency ward of Siwan Sadar Hospital, is to the effect that on 27.05.2017 at 11.30 P.M., the informant was sitting at his door. In front of the house of the informant there is some Gair Mazrua land and the neighbour of the informant, namely, Madan Yadav, brought his buffalo and tied it on the said land, which was protested by the informant,



then, Madan Yadav abused him and called his family members, thereafter, altogether 15 family members of Madan Yadav, including the petitioner, came and they assaulted the informant. When the informant's brothers, Sakaldeo Yadav, Munshi Yadav, and Munshi Yadav's wife, Juli Devi, came to rescue him, they were also assaulted. The brother of the informant, Sakaldeo Yadav, was brought to Sadar Hospital, Siwan, where he succumbed to injuries.

It is submitted by the learned counsel for the petitioner that in the background of petty land dispute, the allegation has been levelled. For the occurrence of 27.05.2017 at the night, First Information Report was registered on 28.05.2017 at 03.00 P.M. There is accusation of making assault by 15 accused persons, including the petitioner, but, after going through the post mortem report, it appears that there is only one injury. It is, further, submitted that co-accused person, having similar accusation, has been granted anticipatory by a coordinate Bench of this Court vide Cr. Misc. No. 17023 of 2018 on 05.04.2018.

Considering the omnibus and general accusation on 15 persons and there is no corroboration in medical evidence with the accusation coupled with co-accused persons have been



granted the privilege of bail by a coordinate Bench of this Court, the prayer of the petitioner for grant of anticipatory bail is allowed, in the event of surrender/arrest of the petitioner, named above, before the Court below, within four weeks from today in connection with **Bhagwanpur Hat P.S. Case No. 119 of 2017**. He shall be released on anticipatory bail 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, II, Siwan**, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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