

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37655 of 2018

Arising Out of PS. Case No.-128 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

1. Uday Yadav, Son of Ram Pravesh Yadav,
2. Ram Pravesh Yadav, Son of Nanhak Yadav,
3. Ashok Kumar @ Ashok Yadav, Son of Ram Pravesh Yadav, All residents of Village- Sewati Tola Neem Bigha, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar
For the Opposite Party/s : Mr. Sri Nand Kishore Pd

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 448, 341, 323, 307, 379 and 504/34 of the IPC.

The prosecution case got initiated with the fardbeyan of Ram Janam Yadav, recorded by S.I., Jehanabad Town P.S. on 27.04.2018 at 5:15 P.M., to the effect that, on 27.04.2018 at about 5:00 A.M., the accused persons came variously armed to the house of the petitioner when petitioner no.1, Uday Yadav, assaulted the wife of the informant Tetari Devi, with lathi, petitioner no.2, Ram Pravesh Yadav, assaulted with Khanti on the head of the informant's daughter Sarita Devi, petitioner no.3,



Ashok Yadav, assaulted on the head of the daughter of the informant, Anita Kumari, whereas co-accused Bimli Devi assaulted with Farsa on the left hand of the daughter of the informant, Sarita Devi and co-accused Yogendra Yadav, assaulted the informant with lathi. It is further alleged that the petitioner no.2, Ram Pravesh Yadav, snatched gold chain and ear ring from the wife of the informant.

It is submitted by learned counsel for the petitioners that in the background of partition dispute the accusation has been leveled. The accusation is not being supported by medical evidence as except petitioner no.1, petitioner nos.2, 3 and other accused persons are alleged to have assaulted the informant's side with sharp cutting weapon, whereas the injury has been found caused by hard and blunt substances. There is counter version of occurrence. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that accusation is not being corroborated with medical opinion, coupled with the statement made in the paragraph no.3 of the petition that the petitioners



are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned S.D.J.M., Jehanabad, in connection with Makhdumpur P.S. Case No.128 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/Rahul

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