

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39816 of 2018

Arising Out of PS.Case No. -257 Year- 2018 Thana -LAKHISARAI District- LAKHISARAI

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1. Butai Yadav,
 2. Rameshwar Yadav Both are Sons of Late Balshwar Yadav,
 3. Rajesh Yadav, S/o Rameshwar Yadav,
 4. Tuntun Kumar, S/o Butai Yadav, All are R/o Vill.- Jainagar Chhoti Kabaiya, Ward No. 31, P.S.- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 10-07-2018

Heard learned counsel for the petitioners,

State and the informant.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 307, 326, 354, 354B, 379, 447 and 504 of the Indian Penal Code.

The prosecution case as per the written report of Rajendra Yadav dated 17.05.2018 submitted to the Station House Officer, Kabaiya O.P. P.S., is to the effect that on 16.05.2018, when the informant was constructing asbestos sheet roof, six accused persons entered into the house and assaulted the informant, his wife and other family members, as a result, six persons received injuries.



It is submitted by learned counsel for the petitioners that for the occurrence of 16.05.2018 at 9.00 A.M., the FIR was registered on 17.05.2018 at 2.55 P.M. and in the background of land dispute, the accusation has been levelled. A statement has been made in paragraph 11 of the petitioner that the injuries have been found to be simple in nature, which reads as follows:-

“That, it is submitted that so far as alleged injury is concerned, simple in nature.”

It is further submitted by learned counsel for the petitioners that there is a counter version of the occurrence being Lakhisarai Kabaiya P.S. Case No. 256 of 2018 was registered with accusation under Sections 147, 148, 149, 341, 323, 307, 326, 354, 354B, 379, 448 and 504 of the Indian Penal Code. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that the accusation is specific in the FIR.

Considering the genesis of the occurrence, nature of injury being simple coupled with the fact that there is a counter version of the occurrence also, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai in connection with Lakhisarai (Kabaiya) P.S. Case No. 257 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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