

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62096 of 2018

Arising Out of PS. Case No.-527 Year-2017 Thana- KAHALGAON District- Bhagalpur

Sagar Yadav, Son of Sunil Yadav, Resident of Lalapur Bhader, P.S.-
Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Opposite Party/s : Mr. Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-10-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 324,307,504,506/34,448 and 323 of the IPC.

The prosecution case as per the written report of Geeta Devi dated 26.9.2017 submitted to the SHO, Kahalgao Police Station is to the effect that on 10.9.2017 at 5.30 P.M. when the informant went to pluck vegetable from the field, she found that the petitioner Sagar Yadav is grazing his buffalo in her field. On protest being made by the informant, the petitioner started abusing the informant. On hearing the noise, father of the petitioner co-accused Sunil Yadav and mother Sunaina Devi came armed with Garasa and Kachia. Sunaina Devi hurled Kachia which caused bleeding injury to the informant, as a result, she became senseless whereas co-accused Sunil Yadav



blew Garasa on the informant though it fell near the informant. It is also alleged that the petitioner assaulted the informant with lathi.

It is submitted by learned counsel for the petitioner that the petitioner is agnate of the informant. Three injuries have been found, out of which, two are defused swelling on the forehead of the informant and the third is abrasion though the size of injury has not been mentioned. All the injuries have been found to be simple caused by hard and blunt substance whereas there is specific accusation against the co-accused Sunaina Devi that she caused injury with a sharp cutting weapon. It is further submitted that for the occurrence of 10.9.2017, the FIR has been registered on 26.9.2017. There is no specific accusation of assault against the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault against the petitioner.

Considering the genesis of the occurrence and there being no specific accusation of assault against the petitioner, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let



the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur in connection with Kahalgaon P.S. Case No.527 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

