

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61609 of 2018

Arising Out of PS. Case No.-129 Year-2017 Thana- PALIGANJ District- Patna

Binod Yadav, Son of Vidyanand Yadav, resident of Village- Kodra, P.S.-
Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar, Adv.

For the Opposite Party/s : Smt. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections
147,149,307,323,341,379 and 504 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 19.06.2017 submitted by Sriram Yadav to the
Station House Officer, Paligang Police Station to the effect that
on the same day at 03.30 P.M, during measurement of the land
was conducted, when all eight accused persons, including the
petitioner and 4-5 unknown, came and protested the
measurement of the land in question and started abusing the
informant. It is alleged that the petitioner on the order of co-
accused, Pramod Yadav assaulted on the head of the cousin of
the informant, namely, Mahendra Yadav with khanti. It is further



submitted that co-accused Kavindra Yadav snatched Rs.2000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled against the petitioner. From the accusation made in the FIR itself it appears that the petitioner had no intention to kill the informant. The injury of Mahendra Yadav has been found to be simple in nature. Though no injury report has been brought on record, but a statement to that effect has been made in paragraph no.12 of the petition. There is counter a version of the occurrence, being Paliganj P.S. Case No. 128 of 2017, levelling accusation under Sections 147,149,307,323,325 and 341 of the I.P.C. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner to have assaulted Mahendra Yadav.

Considering the genesis of the occurrence being land dispute, statement made in paragraph no.12 of the petition to the effect that all the injuries have been found to be simple in nature, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent,



let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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, Patna, in connection with Paliganj P.S. Case No.129 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The learned Court below will accept the bail bonds of the petitioner after verifying the fact that none has received any grievous injury. In the event, if any of the injury found to be grievous, then the petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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