

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67886 of 2018

Arising Out of PS. Case No.-162 Year-2018 Thana- KATEYA District- Gopalganj

Raju Yadav, Son of Ramjee Yadav, Resident of Village- Mela Dharahara,
P.S.-Kateya, District- Gopalganj, Bihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra

For the Opposite Party/s : Mr. Sri Asharaf Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341,323, 324, 307 and 504/34 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Angad Yadav recorded by A.S.I. R.P., Ray of Gopalganj Town P.S. on 03.06.2018 at 4.30 P.M. at Sadar Hospital, Gopalganj is to the effect that on 02.06.2018 at 2.30 P.M., the informant and his father were talking, in the meantime, four accused persons including the petitioner came, variously armed and they asked to withdraw the partition suit. On protest being made, on the order of co-accused Ramji Yadav, co-accused Raj Kishore Yadav



assaulted with iron rod to the father of the informant when the informant tried to rescue his father then co-accused Sanjay Yadav @ Munna assaulted with an iron rod on the head of the informant. When the wife of informant, Kishori Yadav and the son, Satish Yadav came to rescue then petitioner, Raju Yadav assaulted the son of the informant with a sickle on his head and co-accused assaulted the wife of the informant with an iron rod on her head and also tore blouse of the wife of the informant.

It is submitted by learned counsel for the petitioner that admittedly in the background of land dispute, the accusation has been levelled against the petitioner. There is a counter version of the occurrence also being Kateya P.S. Case No. 161 of 2018 registered with accusation under Sections 324, 307, 379, 504, 506 and 509/34 of the Indian Penal Code. It is further submitted that the accusation against the petitioner is that he assaulted the son of the informant with a sickle on his head, though, the injury report is not on record as gets reflected from the impugned order but as per the learned counsel for the petitioner, the son of the informant, Satish Yadav received two injuries, one caused by hard and blunt substance and other sharp cut injury for which opinion is reserved. There is no accusation of repeating the blow which suggests that the petitioner had no intention to kill the son of the informant. A statement has been made in paragraph 3 of



the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation against the petitioner to have caused injury to the son of the informant.

Considering the genesis of the occurrence and the nature of injury being caused coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XV, Gopalganj in connection with Kateya P.S. Case No. 162 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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