

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70992 of 2018

Arising Out of PS. Case No.-115 Year-2015 Thana- PARASBIGHA District- Jehanabad

Durga Yadav, Son of Vinda Yadav, Resident of Village-Mohanpur, P.S.-Paras
Bigha, 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. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2018

Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 447, 341, 323, 325, 504, 354 and 379/34 of the IPC.

The prosecution case as per the fardbeyan of Meena Devi dated 19.11.2015 recorded by SI Sushil Kujur at Sadar Hospital, Jehanbad is to the effect that on 19.11.2015 at 7.30 A.M., while the informant was doing domestic work, in the meantime, the petitioner and the other accused persons came variously armed and began abusing, in connection with the irrigation of potato crops. On protest being made, the petitioner Durga Yadadv threw informant on the ground by catching hold of her hair and assaulted her with fists and slaps. On alarm being raised by the informant when relatives came they were also assaulted with



lathi by the accused persons. The informant's husband sustained injuries on the left ear and right knee. It is further alleged that co-accused Sambhu Yadav and Sanjay Yadav assaulted the informant's son and daughter by pushing them on the ground and co-accused Mukesh Yadav snatched gold chain worth Rs. 50,000/- whereas co-accused, Sanjay Yadav took Rs.5000/- from the house of the informant.

It is submitted by learned counsel for the petitioner that the petitioner is the agnate of the informant and in the background of land dispute the accusation has been levelled. It is further submitted that even assuming the accusation to be true, no offence under Section 354 of the IPC is made out against the petitioner. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

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

Considering the nature of accusation, coupled with 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 JM-Ist class, Jehanabad in connection with Paras Bigha P.S. Case No. 115 of 2015 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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