

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6490 of 2018

Arising Out of PS. Case No.-169 Year-2017 Thana- BIHPUR District- Bhagalpur

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1. Subhash Yadav, Son of Late Bhagwat Yadav @ Lallu Yadav,
 2. Rupesh Yadav, Son of Subhash Yadav,
 3. Bhupesh Yadav @ Bhupesh Kumar, Son of Subhash Yadav,
 4. Sumit Yadav @ Sumit Kumar, Son of Late Dilip Yadav,
- All residents of Village- Arsamdih, P.S.- Bihpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : MD. ANSARUL HAQUE, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2018 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 448, 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 12.05.2017 submitted by Amar Mahto to the Station House Officer, Bihpur Police Station to the effect that informant's nephew Chandra Shekhar Kumar went to roam around with Swity Kumari, the daughter of petitioner no.1, Subhash Yadav, in the morning and returned in the evening. As a result, the eight accused persons from the petitioners' side



including the petitioners came and assaulted the informant causing injury on his head. The accused persons also threatened to kill the nephew of the informant and snatched Rs.1000/- from him.

It is submitted by learned counsel for the petitioners that in fact the nephew of the informant tried to outrage the modesty of Swity Kumari, the daughter of petitioner no.1, which was protested, as a result, the informant's side assaulted the petitioners leading to registration of Bihpur P.S. Case No. 170 of 2017, levelling accusation under sections 341,323 and 354A of the I.P.C. It is further submitted that though the impugned order reflects that the informant has received three injuries and all have been found to be grievous, but since the accusation of assault, which is omnibus and general, is levelled against eight accused persons and only three injuries have been found on the person of the informant, hence, it is difficult to ascertain that who caused injury to the informant. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.

Considering the fact that the occurrence took place in the



background of dispute with regard to taking of Swity Kumari, daughter of petitioner no.1 by the nephew of the informant outside the house, there being counter version of the case, moreover, the accusation of assault by eight persons is not corroborated by the medical opinion, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-I, Naugachiya, Bhagalpur in connection with Bihpur P.S. Case No.169 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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