

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6301 of 2018

Arising Out of PS. Case No.-71 Year-2017 Thana- GHOSI District- Jehanabad

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1. Mahesh Yadav, Son of Laldev Yadav
 2. Pramukh Yadav, Son of Late Rajesh Yadav
 3. Kaushalendra Yadav, Son of Laldev Yadav
 4. Lalla Yadav, Son of late Veni Yadav
 5. Chandra Shekhar Yadav, Son of Sudarshan Yadav
 6. Chandan Kumar @ Chandan Yadav, Son of Sudarshan Yadav
 7. Vikash Yadav, Son of Rajesh Yadav
 8. Rupesh Kumar, Son of Rajesh Yadav

All are resident of Village-Bajitpur, P.S.-Ghoshi Okari (O.P.), District-Jahanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 01-02-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections 147, 327, 325, 307
and 504 of the Indian Penal Code.

The prosecution case got initiated on the basis of written
report dated 30.03.2017 submitted by Lal Deo Prasad to the



Station House Officer, Okri (O.P) Police Station is to the effect that on 28.03.2017 about 6.30 P.M., while the informant was at his house, in the meantime, all the accused persons including the petitioners came to his house and made protest for ploughing the land of some advocate by the tractor of the informant and they started abusing. On protest being made, the accused persons assaulted him with fists and slaps. In the meantime, petitioner no.1, Mahesh Yadav, petitioner no.2, Pramukh Yadav, petitioner no.3 Kaushlendra Yadav, co-accused Rajesh Yadav armed with lathi and danda came and assaulted the informant. On alarm being raised, the brother of informant and other persons came to rescue him, then they were also assaulted by the accused persons.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. Though the learned Sessions Judge has recorded in the impugned order that six persons have received injuries, but it does not suggest that any person has received grievous injury. The omnibus and general accusation of assault has been levelled against 13 accused persons including the petitioners and some of the co-accused persons like Brijmanti Devi, Sanju Devi, Sarswati Devi have been granted anticipatory bail by a co-



ordinate Bench of this Court vide Criminal Miscellaneous No. 49235 of 2017. The case of the petitioners though sought to have been distinguished by learned Sessions Judge, but only distinction is that only ladies have been granted anticipatory bail. There is counter version of the occurrence being Ghoshi (O.P.) P.S. Case No. 72 of 2017 with accusation under Sections 147/149/323/447/504 of the I.P.C. against the informant's side. 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 Mr. J. N. Thakur, learned APP for the State there is accusation of making assault by these petitioners also.

Considering the accusation of assault being omnibus and general and the impugned order does not suggest that anyone has received grievous injury coupled with the fact that the accusation has been levelled in the background of land dispute, 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 SDJM, Jehanabad in connection with Ghoshi (Okari O.P.) P.S. Case



No.71 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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