

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.12188 of 2018**

Arising Out of PS. Case No.-527 Year-2017 Thana- KAHALGAON District- Bhagalpur

1. Sunaina Devi  
2. Sunil Yadav alias Sunil Yadav

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajive Ranjan Singh  
For the Opposite Party/s : Mr. SRI HARENDRA PRASAD

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      27-02-2018      Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 323,448,324,307,504 and 506/34 of the IPC.

The prosecution case as per the written report of Gita Devi dated 26.9.2017 submitted to the SHO, Kahalgaon is to the effect that on 10.9.2017 at 5.30 P.M. the informant went to pluck vegetables from the field and found Sagar Yadav was grazing buffalo, which was protested by the informant, whereafter he started abusing the informant. On hearing the noise, petitioner no. 2 Sunil Yadav and his mother Sunaina Devi came armed with Garasa and Kachia. Sunaina Devi assaulted the informant with Kachia while Sunil Yadav hurled Garasa but it fell near the informant. It is also alleged that the accused Sunil



assaulted the informant with lathi.

It is submitted by learned counsel for the petitioners that the petitioners are agnates of the informant. Three injuries have been found, out of which, two are defused swelling on the head of marginal size and third injury is abrasion, of which size has not been mentioned, caused by hard blunt substance. Though there is accusation against petitioner no. 1 of causing injury with sharp cutting weapon but the injury has been found to be simple. It is further submitted that for the occurrence of 10.9.2017 the FIR was registered on 26.9.2017 on the written report of the informant.

Learned APP submits that there is specific accusation of assault against the petitioners.

Considering the delayed lodging of the case, accusation not being corroborated by the medical opinion, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bhagalpur in connection with Kahalgaon P.S. Case No. 527 of 2017 subject



to the conditions laid down in Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

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