

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23553 of 2018

Arising Out of PS. Case No.-15 Year-2018 Thana- KISHUNPUR District- Supaul

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BHAWANANDA YADAV @ BHAGWANANDA KUMAR @
BHAWANAND KUMAR S/o Shri Subalal Yadav, R/o Vill.- Shukhashan,
P.S.- Kishanpur, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under sections 341,323,307,504,506 and 379 of the IPC.

The prosecution case got initiated with the written report of Lalit Narayan Yadav dated 12.1.2018 submitted to the SHO, Kishanpur Police Station is to the effect that on the same day at 2 P.M. the informant was working at his door, in the meantime, the petitioner Bhawanand Yadav and co-accused Ramanand Yadav, Anokha Devi, Shuwa lal Yadav and Rohnish Kumar and unknown persons entered into the house and started robbing the articles. On protest being made, they tied the informant and his wife and the petitioner assaulted with Farsa on the head of the



informant. Co-accused Rohnish Kumar committed theft of gold chain, cash of Rupees Fifty Thousand and other valuables. It is alleged that co-accused Anokha Devi snatched mobile and chain from the wife of the informant.

It is submitted by learned counsel for the petitioner that in the background of land dispute the accusation has been levelled. There is counter version o the occurrence being Kishanpur P.S. Case No. 16 of 2018 registered under sections 341,323,325,379,504 and 506/34 of the IPC lodged by the petitioner against the informant side. The injury has been found to be simple in nature caused by hard and blunt substance whereas there is specific accusation that the petitioner made assault with sharp cutting weapon like sword. It is further submitted that there is title suit pending between the parties. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault on the head of the informant.

Considering the rival submissions of the parties, since specific accusation has been levelled in the background of land dispute between the parties but the accusation is not being corroborated by the medical opinion, coupled with the 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 CJM, Supaul in connection with Kishanpur P.S. Case No.15 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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