

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54597 of 2017

Arising Out of PS.Case No. -92 Year- 2017 Thana -KHODABANDPUR District- BEGUSARAI

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1. America Yadav, Son of Munna Yadav @ Munilal Yadav, Resident of Village Patahi, Police Station Khodawandpur (Chhaurahi O.P.), District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shravan Kumar, Sr. Adv.
Mr. Dinesh Mahanj, Adv.
For the Opposite Party/s : Mr. Vinay Kumar Mishra, Adv.
For the State : Mr. Sri S. Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 17-01-2018 Heard the counsels for the parties.

The petitioner seeks bail in anticipation of his arrest in connection with Khodawandpur P.S. Case No. 92 of 2017 dated 14.06.2017 instituted for the offences under Sections 341, 323, 307, 379, 504 and 34 of the Indian Penal Code.

It has been alleged in the First Information Report that the petitioner along with other accused persons including Munna Yadav came to the house of the informant and started abusing and accusing her of practicing black magic on him as a result of which he had become ill. On protest by the informant, the petitioner is said to have given a farsa blow on her head which led to her fall. Thereafter, co-accused Munna Yadav is said to have assaulted on



her head by means of an iron rod. Other accused persons including female members of the family of the petitioner, are alleged to have assaulted, abused and taken away the belongings of the other persons available in the house of the informant.

Mr. Shrawan Kumar, learned senior counsel for the petitioner has submitted that the allegation of assault as against the petitioner does not get reflected by the injuries suffered by the informant. The informant has suffered only one lacerated wound on the right side of her forehead which is of the dimension of 2 ½ cm x 0.5 cm x 0.75 cm. The aforesaid injury, it has been argued can only be attributed to Munna Yadav a co-accused, who is alleged to have assaulted the informant on her head by means of an iron rod and whose anticipatory bail petition has been rejected by a Bench of this Court on 22.09.2017 passed in Criminal Miscellaneous No. 45541 of 2017. By the aforesaid order, other accused persons of this case have been granted the privilege of anticipatory bail.

It has further been submitted on behalf of the petitioner that both, the petitioner as well as the informant, have purchased lands from a common vendor and a dispute with respect to the drainage existed between the parties.

Regard being had to the aforesaid fact viz the



informant having received one lacerated injury on head which cannot be attributed to the petitioner, who is said to have used a spade for hitting the informant, in the event of arrest or surrender of the petitioner before the court below within a period of four weeks from today, he shall be granted bail subject to his furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Manjhaul, Begusarai in connection with Khodawandpur (Chhaurahi O.P.) P. S. Case No. 92 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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