

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37822 of 2018

Arising Out of PS.Case No. -189 Year- 2017 Thana -NARHAT District- NAWADA

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1. Bihari Yadav, S/o Ganauri Yadav,
 2. Guddu Kumar S/o Bihari Yadav,
 3. Raja Kumar @ Tunu S/o Bihari Yadav, All R/o Vill.- Repura, P.S.-
Sitamarhi, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Sri Murlidhar

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

02/ 03-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest
in a case registered for the offences punishable under Sections
341, 323, 325, 307, 504, 506 and 379/34 of the Indian Penal
Code.

The prosecution case as per the fardbeyan of
Rinku Devi recorded by S.I. of Nawada Town P.S. on
16.10.2017 dated 8.00 P.M. in Sadar Hospital, Nawada is to the
effect that on 15.10.2017 at 9.00 A.M. the informant Rinku Devi
cleaning front side of the door, in the meantime, she asked
petitioner no. 1 Bihari Yadav to remove cow-dung kept in front



of the house of the informant, upon which the petitioner no. 1 abused the informant, pushed her on the ground and tore her blouse. It is alleged that petitioner no. 2 Guddu Kumar, petitioner no. 3 Raja Kumar and co-accused Sabo Devi came, abused the informant and tried to throttle her. When informant's brother-in-law Pankaj Kumar and son Manish Kumar came to rescue then petitioner no. 2 Guddu Kumar assaulted on the head of Manish with Khanti causing cut injury. Pankaj was also assaulted and locket of chain worth Rs.15,000/- was snatched.

It is submitted by learned counsel for the petitioners that for a petty dispute the accusation has been levelled. For the occurrence of 15.10.2017 the FIR was registered on 23.10.2017 and it reached to the court of learned ACJM on 06.11.2017 which clouds the bonafide of accusation, whereas the fardbeyan was recorded on 16.10.2017. There is a counter version of the occurrence being Narhat (Sitamarhi) P.S. Case No. 180 of 2017 registered under Sections 341, 323, 307 and 504 of the Indian Penal Code on 15.10.2017 itself. Moreover, the injuries have been found to be simple in nature.

Learned APP, however, submits that the petitioners are named in the FIR.

Considering the genesis of the occurrence and



the case lodged by the petitioners' side at earlier point of time, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Nawada in connection with Narhat (Sitamarhi) P.S. Case No.189 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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