

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37976 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- SINGHESHWARASHTHAN District-
Madhepura

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1. Rinku Devi W/o Rajesh Yadav
 2. Rajesh Yadav S/o Late Bhola Yadav
 3. Kari Yadav S/o Late Bhola Yadav All residents of village -
Ithari, P.S. Singheshwar, District Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,342,323,307 and 379/34 of the IPC.

The prosecution case as per the written report of Laxman Yadav dated 10.1.2018 submitted to the SHO, Singheshwar Police Station is to the effect that on 5.1.2018 in the morning when the informant woke up, he found that his purchased homestead land has been blocked by keeping bundles of thorns. When the informant started removing them then petitioner Rajesh Yadav, co-accused Baua Yadav, petitioner Kari Yadav, co-accused Nirranjan Yadav, Guddu Yadav, Anita Devi and



petitioner Rinku Devi surrounded him. On the order of Anita Devi, petitioner no. 2 Rajesh Yadav assaulted the informant causing bleeding injury. When the brother of the informant Lalan Yadav came to rescue, he was assaulted by Baua Yadav (non-petitioner) with iron rod. When the wife of the informant came to rescue then petitioner no. 3 Kari Yadav made assault on the head but she received injury on her hand. In the meantime, petitioner no. 1 Rinku Devi assaulted with lathi on the head of the wife of the informant. Niranjana Yadav and Guddu Yadav (non-petitioners) assaulted on the back and leg of the informant. It is alleged that Niranjana Yadav took out Rupees One Thousand Seven Hundred Thirty from the pocket of the informant. It is alleged that due to land dispute the occurrence took place.

It is submitted by learned counsel for the petitioners that for the occurrence of 5.1.2018 the written report was submitted on 10.1.2018 and in the background of land dispute the accusation has been levelled. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. There is counter version of the occurrence being Singeshwar P.S. Case No. 9 of 2018 registered for the offences punishable under Sections 341,447,323,379 and 506/34 of the IPC. A complaint case being Complaint Case No.



284 of 2017 was also filed with accusation under Sections 147,323,341,379,380,448,452,354,427 and 504 of the IPC and Section 27 of the Arms Act wherein process has been directed to be issued after cognizance being taken. Earlier the informant side lodged a case against the petitioners and others being Singeshwar P.S. Case No. 244 of 2017 with accusation under Sections 341,323,354B,379 and 380/34 of the IPC. Statements have been made in paragraphs 13 and 14 of the petition that Lakshman Yadav and his wife sustained simple injury and Lalan Yadav has not received any injury. Paragraph nos. 13 and 14 read as follows:

13. That, the injury sustain by the Lakshman Yadav and his wife is simple and superficial in nature and there is no repetition of blow on any part of the body.

14. That, Lalan Yadav was neither assaulted nor sustained any injury on his person.

Learned APP submits that the accusation is specific against the petitioners.

Considering the delayed lodging of the case and the genesis of the occurrence, coupled with the statements in paragraph 13 and 14 that the injuries have been found to be simple, 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 C.J.M., Madhepura in connection with Singheshwar P.S. Case No. 06 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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