

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37823 of 2018

Arising Out of PS.Case No. -278 Year- 2018 Thana -KHAGARIA District- KHAGARIA

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1. Pam Pam Yadav @ Pum Pum Yadav, S/o Late Rajendra Yadav,
 2. Sunny Yadav S/o Late Rajendra Yadav,
 3. Amila Devi W/o Late Rajendra Yadav, All are R/o Mohalla- Dan Nagar Ward No.5, P.S.- Khagaria, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Sri Damodar Prasad Tiwary

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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, 354A, 307 and 504/34 of the Indian Penal Code and Section 27 of Arms Act.

The prosecution case as per the written report of Rekha Devi submitted to Station House Officer, Khagaria Muffasil P.S. is to the effect that on 05.05.2018 at 7.30 A.M. the informant was at her godown, when petitioner no. 1 Pampam Yadav, petitioner no. 2 Sunny Yadav, petitioner no. 3 Amila Devi and co-accused Kare Yadav came armed with lathi, danda and country made pistol, abused the informant and started



locking on the godown. On protest being made they partly disrobed her and assaulted the informant, when the sons of the informant namely, Vishal Kumar and Alok Kumar came to rescue, petitioner no. 3 Amila Devi started pressing the testicle of the son of the informant Alok Kumar, as a result, he became unconscious, when the other son of the informant Vishal Kumar came to rescue then petitioner no. 2 Sunny Yadav caught hold of him and pushed him on the ground and thereafter petitioner nos. 1 and 2 started throttling him. Earlier accused persons also assaulted the husband of the informant and caused fracture injury.

It is submitted by learned counsel for the petitioners that for the occurrence of 05.05.2018 the FIR was registered on 08.05.2018 whereas the petitioners' case being Khagaria P.S. Case No. 266 of 2018 was registered on 05.05.2018 with accusations under Sections 341, 323, 342, 307 and 379/34 of the Indian Penal Code. Moreover, the petitioners are not having any criminal antecedent, statement to that effect has been made in paragraph 3 of the petition. It is further submitted that in the background of land dispute the accusation has been levelled, moreover, title suit is pending between the parties and petitioners are agnates of the informant.



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

Considering the nature of accusation, case lodged by the petitioners' side at earlier point of time and the accusation being made in the background of land dispute from before, 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 Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 278 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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