

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.51765 of 2018

Arising Out of PS.Case No. -67 Year- 2018 Thana -KARPI District- JEHANABAD

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1. Siya Ram Yadav,
 2. Shiv Kumar Yadav, Both Sons of Late Ramdeo Yadav,
 3. Sipi Kumar @ C.P. Kumar S/o Siya Ram Yadav, All are R/o Vill.-
Kharasin Tola Devi Bigha, P.S.- Karpi (Shahar Telpa O.P.), District-
Arwal.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Paras Nath, Advocate.

For the Opposite Party : Mr. Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 504, 379, 307
and 354/34 of the IPC.

The prosecution story, in brief, is that on 17.05.2018
at about 6.30 P.M. Kamlesh Yadav, the brother of the informant
went to watch poultry farm, he noticed that the petitioners besides
co-accused armed with Lathi-Danda, Khanti came there and
abused and they ran to assault the informant. The informant started
to flee away. In course of which, petitioner Sheo Kumar Yadav



assaulted with Lathi on the head of the informant, who sustained bleeding head injury. His brother Bimlesh Yadav came to intervene, Whereupon Siyaram Yadav assaulted with Lathi-Danda to his brother, who sustained injury on his hand. It is further alleged that they assaulted the informant with Lathi-Danda causing head injury. Ranjan Yadav and Sipi Kumar assaulted with Lathi to Kalawati Devi, who sustained bleeding head injury. The reason behind the occurrence is stated to be uprooted Sagwan plants.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. It is case and counter case between the parties. The alleged occurrence is said to have taken place due to previous enmity. Both sides have sustained injuries in course of occurrence. The injury on the side of the petitioners has not been explained by the prosecution. The prosecution has not come with a clean hand. Nature of injury is said to be simple. Except for one injury in respect to which, opinion has been reserved by the doctor.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-IV, Arwal, in connection with Karpi (Shahar Telpa O.P.) P.S. Case No. 67/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

