

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62044 of 2018

Arising Out of PS. Case No.-306 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

-
1. Baiju Yadav, S/o Dev Narayan Yadav
 2. Kanhaiya Yadav@ Kanaiyo Yaodave, S/o Baiju Yadav
- Both Resident of Village- Telhan, P.S.- Sadar, District-
Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ugranath Mallik, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 08-10-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
307,323,341,342,354,379,448,504,506, 34 of the Indian Penal
Code.

The prosecution case got initiated on the basis of written
report submitted by Chandra Kala Devi to the Station House
Officer, Sadar, Darbhanga, Police Station is to the effect that on
29.07.2018 at 5.00 P.M., the informant was in her house when
all the accused persons, including the petitioners, entered into



the house and started abusing and on protest being made, on the order of petitioner no.1, Baiju Yadav, petitioner no.2, Kanhaiya Yadav assaulted on the head of the informant with farsa. Petitioner no.2 repeated the blow, which caused injury on the hand of the informant. When son of the informant, namely, Ashok Sah came to rescue her, then co-accused, Heera Yadav assaulted him with an iron rod causing injury on his right elbow and lip. When Santoshi Devi came to rescue, she was assaulted by the co-accused Lal Babu Yadav with lathi. It is further alleged that petitioner no. 1 assaulted Meera Devi with lathi, whereas, other accused persons assaulted with Danda and bricks. The accused persons took away Rs.15,000/- cash and jewellery worth Rs.50,000/- kept in a box in the house.

It is submitted by learned counsel for the petitioners that in the background of litigated relationship, the accusation has been levelled against the petitioners. Neither in the impugned order nor in the petition of the petitioner the nature of injury has been mentioned and it is further submitted that for the alleged occurrence of 29.07.2018, the FIR was registered on 01.08.2018, which reached to the Court of learned CJM on 03.08.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal



antecedent, except petitioner no.2, who is accused in one other case, apart from the present case, but in that case he is on bail.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.

Considering the fact that the nature of injury has neither been mentioned in the petition of the petitioners nor in the impugned order, coupled with the fact that the accusation has been levelled in the background of litigated relationship between the parties, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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 CJM, Darbhanga, in connection with Darbhanga Sadar P.S. Case No.306/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioners shall be accepted by the learned court below on verification of the fact that informant's side, including the informant, have not received any grievous injury, but if it is found that the informant's side, including the informant have received any grievous injury, then this order deemed not to be passed in favour of the



petitioners and in that event the petitioners shall surrender
before the learned Court below and pray for regular bail.

(Dinesh Kumar Singh, J)

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