

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19902 of 2018

Arising Out of PS. Case No.-197 Year-2017 Thana- DHURAIYA District- Banka

-
1. Panchu Yadav, Son of Late Gena Yadav,
 2. Nandan Kumar @ Nandan Yadav, Son of Raj Narayan Yadav,
 3. Babloo Yadav, Son of Panchu Yadav,
 4. Guddu Yadav @ Guddu Kumar, Son of Sadanand Yadav,
 5. Anup Lal Yadav, Son of Late Vaisakhi Yadav,
- All resident of Village- Batsar, P.S. Dhuraiya, District- Banka.
... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Adv.
For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-04-2018 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 147, 148, 149, 341, 323, 324, 325, 307, 427, 504 and 506 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 26.09.2017 submitted by Aitwari Mandal to the Station House Officer, Dhuraiya Police Station to the effect that on 25.09.2017, the accused persons were grazing the crops of the informant through buffalo. On protest being made the accused persons including the petitioners variously armed came at the house of the informant. It is alleged that petitioner no.1, Panchu Yadav assaulted with lathi on the head of the informant.



Petitioner no.3, Bablu Yadav caught hold the son of the informant namely Gujari Mandal, when petitioner no.5 Anuplal Yadav assaulted on his head with iron rod and lathi, as a result the son of the informant received fracture injury. Co-accused Raj Narayan Yadav assaulted Moti Mandal causing fracture injury to him also.

It is submitted by learned counsel for the petitioners that the learned Sessions Judge's order suggests that only one injury of Moti Mandal has been found to be grievous, which alleged to have been caused by Raj Narayan Yadav, non-petitioner. The injury of others have been found to be simple. There is counter version of the occurrence also being Dhoraiya P.S. Case No.196 of 2017, registered with accusation under Sections 147, 148, 149, 341, 323, 325, 324, 307, 379, 504 and 506 of the Indian Penal Code. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by Mr. J. N. Thakur, learned APP for the State that the accusation of assault is specific against the petitioners.

Considering the accusation of assault levelled in the background of dispute with regard to grazing of agricultural



field, the injury caused by the petitioners have not been found to be grievous, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, 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 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 ACJM-IV, Banka, in connection with Dhoraiya P.S. Case No.197 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

