

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11434 of 2018

Arising Out of PS.Case No. -315 Year- 2016 Thana -ALAU LI District- KHAGARIA

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1. Shatrudhan Kumar Son of Vishwanath Yadav
2. Pawan Kumar Son of Jani Yadav
3. Gunjan Yadav Son of Vishwanath Yadav
4. Vishwanath Son of Ramsi Yadav All resident of Village- Chhilkauri, P.S. Alauli, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Rajendra Nath Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 28-02-2018

Heard both sides.

The petitioners apprehend their arrest in Alauli P.S. case No. 315 of 2016 under Section 323, 307, 379 and other Sections of the Indian Penal Code.

Dhaneshwar Yadav, the informant, named the four petitioners along with seven other accused persons and alleged that all the accused persons, having armed with different weapons, came and asked the informant not to construct the house. On the order of Surya Narayan Yadav, Braj Kishore Yadav assaulted the informant with Farsa and Surya Narayan Yadav assaulted him with iron rod. Vishwanath, petitioner No.4, is alleged to have assaulted Gayanand and snatched golden chain from his neck.

The learned counsel for the petitioners submits that no specific allegation of assault is made against the petitioners. Vishwanath is alleged to have assaulted Gayanand but Gayanand



did not receive any injury. Shanker Yadav and Dhaneshwar Yadav got injuries. Shanker Yadav received one lacerated wound and Dhaneshwar Yadav, informant, got one cut injury on right temporal side of head and another injury is tenderness and swelling on the left temporal side of head. There is counter version being Alauli P.S. case No. 316 of 2016. Surya Narayan Yadav got grievous injury and is still under treatment. On account of land dispute this false case has been lodged.

Having considered the facts that there is a case and counter case and no specific allegation is made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alauli P.S. case No. 315 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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