

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27175 of 2018

Arising Out of PS. Case No.-502 Year-2016 Thana- TURKAULIYA District- East
Champaran

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1. Lagan Yadav, Son of Ramjee Yadav
 2. Chhathu Yadav, Son of Bhola Yadav, Both Residents of Village -
Siswa Tola Amwa, P.S. - Banjariya, District - East Champaran.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-05-2018

Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 148, 149, 341, 323, 324, 307, 325, 447, 448, 379, 504, and 506 of the IPC.

The prosecution case, as per the written report of Mahangu Yadav dated 13.10.2016 submitted to the Police Camp-in-charge of Sadar Hospital, Motihari, is to the effect that on 08.10.2016 at 6 A.M. in the morning the informant was sitting at his door, in the meantime seven accused person came and started abusing the informant and on protest being made, co-accused Bhola Yadav assaulted with Garasa on the head of the informant causing bleeding injury and when the brother of the informant Rajvanshi Yadav came to rescue him, then co-accused Ramjee



Yadav assaulted with Farsa causing bleeding injury on his head. Thereafter, co-accused Ramdeni Yadav brought kerosene oil and poured it on the body of the brother of the informant, while co-accused Bhola Yadav lit fire. When the younger brother of the informant Birendra Yadav came then he was also assaulted with Lathi causing fracture injury on his left hand. Subsequently, the informant entered in to the house to save himself, then the accused persons entered into the house and took away jewellery, cash, clothes and other articles.

It is submitted by the learned counsel for the petitioner that for the petty dispute the accusation has been levelled. There is no accusation of assault against the petitioner no. 1 however, petitioner no. 2 is alleged to have assaulted on the left hand of Birendra Yadav but the injury of Birendra Yadav has been found to be simple in nature caused by hard and blunt substances. There is counter version of the occurrence also as co-accused Bhola Yadav lodged Turkauliya(Banjariya) P.S. Case No. 503 of 2016 against the informant side levelling accusation under sections 341, 323, 324, 325 and 427/34 of the IPC. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation



against the petitioners in the FIR.

Considering the accusation not being corroborated with the medical opinion and there being counter version of the appearance and statement made in the paragraph no. 3 that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya(Banjariay) P. S. Case No. 502 of 2016 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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