

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37925 of 2018

Arising Out of PS. Case No.-416 Year-2017 Thana- TRIVENIGANJ District- Supaul

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1. RAMAN KUMAR @ RAMAN YADAV,
 2. Pawan Kumar @ Pawan Yadav Both S/o Mahaveer Yadav, Both R/o Vill.- Baghala Ward no. 10, P.S.- Triveniganj, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prafull Chandra Thakur
		Mr. Dinesh Choudhary
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-07-2018 Heard learned counsel for the petitioners and the State.

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

The prosecution case as per the written report of Prakash Kumar submitted to SHO, Triveniganj is to the effect that on 15.12.2017 at 2:00 P.M. the informant was going from his house to Triveniganj market, in the meantime, 11 accused persons including the petitioners, variously armed, came and surrounded the informant with intention to kidnap him. Co-accused Ajay Yadav and Vijay Yadav got him seated on the



motorcycle. It is alleged that petitioner no. 2 Pawan Kumar pointed pistol on the temporal region of the informant when the informant tried to escape from the scene, petitioner no. 2 assaulted with butt of pistol causing bleeding injury. When the father of the informant Kailu Yadav came to rescue, petitioner no. 1 assaulted the father of the informant with farsa. When mother of the informant came, she was also assaulted by Sanjay Yadav. Co-accused Mahavir Yadav, with bad intention pushed the mother of the informant down on the earth and made her naked. When brother of the informant came to rescue he was assaulted by Akhilesh Yadav with Lathi. The accused persons took out Rupees Ten Thousand from the pocket of the informant.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. It is alleged that petitioner no. 2 made assault to the informant with the butt of the pistol which suggests that he had no intention to kill. Moreover injury has been found to be simple caused by hard and blunt substance. Though the father of the informant Kailu Yadav was assaulted by petitioner no. 1 with Farsa but the injury of informant's father suggests that it is simple in nature. There is counter version of the occurrence.



Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Considering the fact that the injuries are not being corroborated by the medical opinion, moreover the injuries have been found to be simple, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 Additional C.J.M-Ist, Supaul in connection with Triveniganj P.S. Case No. 416 of 2017, subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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