

IN THE HIGH COURT OF JUDICATURE AT PATNA**Criminal Miscellaneous No.38123 of 2018**

Arising Out of PS.Case No. -172 Year- 2018 Thana -BIHIYA District- BHOJPUR

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1. Dinanath Yadav, Son of Late Shiv Pujan Yadav,
 2. Arvind Yadav, Son of Dinanath Yadav,
 3. Raju Yadav, Son of Dinanath Yadav,
 4. Rudal Yadav, Son of Dinanath Yadav,
 5. Indal Yadav @ Indal Kumar, Son of Dinanath Yadav,
 6. Rameshwar Yadav, Son of Dinanath Yadav,
 7. Jodha Yadav @ Jagha Yadav, Son of Dinanath Yadav, All are resident of Village- Bihiya Ganw, P.S.- Bihiya, District- Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 325 and 307 of the Indian Penal Code.

The prosecution case as per the written report of Ramakant Kahar dated 06.05.2018 submitted to the Station House Officer, Bihiya P.S. is to the effect that when the informant was sleeping at his door when at 2.00 A.M., eight accused persons came in the house of the informant and after awaking up the informant enquired as to why he untied the buffalo of the accused persons. In the meantime, petitioner no. 1, Dinanath



Yadav ordered to kill the informant on which all the accused persons started assaulting the informant with lathi and danda causing injury on the head of the informant, consequently the informant fell down, and when his brother came to rescue him he was also being assaulted by the accused persons.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. The injury has been found superficial simple in nature, statement to that effect has been made in paragraph 7 of the petition. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. Moreover, there is a counter version of the occurrence being Bihiya P.S. Case No. 173 of 2018 registered with accusation under Sections 341, 323, 325 and 302/34 of the Indian Penal Code as the mother of petitioner no. 6 Rameshwar Yadav was killed at the hands of the informant side.

Learned APP, however, submits that the petitioners are named in the FIR with specific accusation.

Considering the nature of accusation in the background of land dispute, injury being found simple in nature, moreover, one person was killed from the accused side, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Vth, Bhojpur at Ara in connection with Bihiya P.S. Case No. 172 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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