

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63815 of 2018

Arising Out of PS. Case No.-161 Year-2018 Thana- BIHARIGANJ District- Madhepura

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1. Shiv Shankar Yadav, Son of Jagdev Yadav,
 2. Manish Kumar Yadav @ Manish Kumar, Son of Shiv Shankar Yadav
 3. Santosh Kumar Yadav @ Santosh Kumar, Son of Shiv Shankar Yadav, All resident of Village- Kathoutiya Ward No. 03, P.S. Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Singh

For the Opposite Party/s : Mr. Sri Arun Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2018 Counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody and as such the application has become infructuous.

Permission is accorded.

The application in respect of petitioner no. 1 is dismissed as withdrawn.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioner nos. 2 and 3 are apprehending their arrest in a case registered under Sections 323, 341, 307, 354(A), 379, 504 and 34 of the Indian Penal Code.



The prosecution case, in short, is that the accused persons were forcibly dropping the soil on the informant's daughter land and on protest by her daughter, the accused persons ill treated her. The accused persons also assaulted the informant due to which he sustained injury.

It has been submitted on behalf of the petitioner nos. 2 and 3 that they have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner nos. 2 and 3. The petitioner nos. 2 and 3 have falsely been implicated in the present case. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out.

On behalf of the State, it is submitted that the petitioner nos. 2 and 3 are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2 and 3, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, 1st Class, Udakishunganj, Madhepura in connection with Bihariganj P.S. Case No. 161 of



2018, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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