

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58041 of 2018

Arising Out of PS.Case No. -83 Year- 2018 Thana -KUSHESHWARASTHAN District-
DARBHANGA

- =====
1. Dukhan Yadav, aged about 86 years, Son of Late Phuchai Yadav @ Fuchai Yadav
 2. Mahesh Yadav, aged about 45 years, Son of Dukhan Yadav
 3. Sikander Yadav, aged about 38 years, Son of Dukhan Yadav All resident of Village- Narkatiya @ Mahisauth, P.S. Kusheshwar Asthan, (Tilkeshwar OP), District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 20-09-2018

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 341, 323, 307, 504 and 506/34 of the Indian Penal Code.

The prosecution case got initiated with the written report of Sanjay Yadav dated 14.04.2018 submitted to the Station House Officer of Kusheshwar Asthan (Tilkeshwar O.P.) P.S., to the effect that on 12.04.2018 at 1.00 P.M., the informant along with his parents went to cut crops from their land, in the meantime, the petitioners came and protested against the cutting of the wheat crop. On the order of petitioner no. 1, Dukhan



Yadav, petitioner no. 2, Mahesh Yadav assaulted with Farsa on the head of the father of the informant, while Petitioner no. 3, Sikander Yadav assaulted with lathi. On alarm being raised petitioner no. 3, Sikander Yadav assaulted the informant and his wife. On hearing the alarm Ramprasad Yadav and Damodar Yadav came at the place of occurrence, and were a witness to the occurrence.

It is submitted by learned counsel for the petitioners that in the background of land dispute the accusation has been levelled. Injuries of all the injured have been found to be simple in nature. There is a counter version of the occurrence being Kusheshwar Asthan (Tilkeshwar O.P.) P.S. Case No. 87 of 2018 registered with accusation under Sections 147, 341, 323, 379, 354B and 504 of the Indian Penal Code. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation of assault is specific against the petitioners.

Considering the genesis of the occurrence, the injuries have been found to be simple, there being counter version of the occurrence and statement having been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent,



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 Judicial Magistrate, Ist Class, Biraul in connection with Kusheshwar Asthan (Tilkeshwar O.P.) P.S. Case No. 83 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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