

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70106 of 2018

Arising Out of PS. Case No.-87 Year-2017 Thana- SONO District- Jamui

Daso Yadav Son of Late Bino Yadav, Resident of Village-Bhelwa Mohanpur
Tola Chautar, P.S.-Sona, District Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Prasad

For the Opposite Party/s : Mr. Sri Mustaque Alam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

06-12-2018

Heard learned counsel for the petitioner and learned

APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 147, 341, 448, 323, 308, 504 and 506 of the Indian Penal Code.

The prosecution case, as per the written report of Malti Devi, submitted to the Station House Officer of Sono Police Station, is to the effect that on 08.05.2017 at 7.00 A.M., the informant was cleaning her house when all the accused persons, including the petitioner came and started assaulting her. It is alleged that Rajesh Yadav assaulted with axe on the head of the informant causing bleeding injury. Thereafter, the petitioner and co-accused Yodhani Devi assaulted with lathi on the left and right shoulder. It is further alleged that Co-accused Vikash Yadav and Nunulal Yadav took out cash amount of Rs.85,000/-



from the box and jewellery and when the sister-in-law Jirwa Devi and Nitu Devi came to rescue her, they were also assaulted.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled against the petitioner. Though, the accusation of assault against the petitioner on the hand (non-vital part), but the injury has been found simple superficial in nature. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, on conclusion of investigation, the charge-sheet has been submitted under bailable provisions but differing with the same cognizance has also been taken under Section 308 I.P.C.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the nature of accusation and the fact that on conclusion of the investigation, charge sheet has been submitted under bailable provisions, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jamui in connection with Sono P.S. Case No. 87 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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