

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38051 of 2018

Arising Out of PS. Case No.-113 Year-2017 Thana- NAWADA MUFFASIL District- Nawada

1. Sakal Yadav, Son of Late Daso Yadav,
2. Pankaj Yadav, Son of Sakal Yadav, Both are resident of Village- Pokharpar, P.S. Muffasil, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Sri Rajeev Nayan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-07-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 448,341,323,324,325,307,379 and 504/34 of the IPC.

The prosecution case as per the Fardbeyan of Lalu Kumar recorded on 6.8.2017 at 8.30 P.M. by Sub-Inspector Dinkar Dayal, Town Police Station, Nawada, is to the effect that on the same day at 10.00 A.M. the informant was carrying his she-buffalo, in the meantime, co-villager Kaushal Yadav came and started abusing. On protest by the informant and his sister, all the accused persons including the petitioners, armed with Garasa , Khanti and lathi, came on the door of the informant and started assaulting. It is alleged that co-accused Kaushal Yadav



assaulted with Garasa on the head, as a result, the informant fell down, whereupon co-accused Nageshwar Yadav assaulted with Khanti. When the father of the informant, namely, Arjun Yadav and brother of the informant came to rescue, then co-accused Sanjay Yadav assaulted Arjun Yadav with Garasa, causing bleeding injury. Thereafter petitioner no. 2 assaulted the father of the informant with iron rod causing fracture in hand and petitioner no. 2 assaulted the brother of the informant, namely, Jitendra Yadav, as a result he sustained fracture in his hand. It is further alleged that co-accused Guddu Yadav took away gold chain of the informant whereas the gold chain and locket of informant's brother was taken away by co-accused Indradeo Yadav.

It is submitted by learned counsel for the petitioners that the in the background of land dispute, the accusation has been levelled. There is counter version of the occurrence being Nawada (M) P.S. Case No. 112 of 2017 registered under Sections 341,323,324,325,307 and 379/34 of the IPC against the informant side and petitioners' side have also received injury.

Learned APP submits that the accusation against the petitioner is of causing fracture injury.

Considering the nature of injury being caused by the



petitioners, this Court is not inclined to grant anticipatory bail to the petitioners. However, keeping in view the genesis of the occurrence and the fact that the petitioners' side have also received injury, moreover, though Fardbeyan was recorded on 6.8.2017, but the FIR was registered on 20.8.2017, which reached to the Court of the learned CJM on 22.8.2017, which constitutes ground for consideration of prayer of the petitioners for regular bail by the learned court below in case the petitioners surrender within six weeks in connection with Mufassil P.S. Case No. 113 of 2017 pending in the court of the learned CJM. Nawada.

With the aforesaid observation/direction this application is disposed of.

(Dinesh Kumar Singh, J)

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