

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70745 of 2018

Arising Out of PS. Case No.-218 Year-2018 Thana- RIVILGANJ District- Saran

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1. Shivjee Yadav, Son of Late Langar Yadav @ Shiv Shankar Yadav.
 2. Raja Yadav @ Raja Ram Yadav, Son of Late Langar Yadav @ Shiv Shankar Yadav.
 3. Rakesh Yadav, Son of Sri Raja Yadav @ Raja Ram Yadav
 4. Mukesh Yadav, Son of Sri Raja Yadav @ Raja Ram Yadav
 5. Hare Ram Yadav, Son of Late Jang Bahadur Yadav @ Jagi Bahadur Yadav.
 6. Arjun Yadav @ Arjun Kumar Yadav, Son of Sri Hare Ram Yadav.
 7. Bhikhari Yadav, Son of Late Sita Ram Yadav.
 8. Murari Yadav, Son of Sri Bhikhari Yadav. All resident of Village- Sitab Diyara, Gariba Tola, P.S.- Revilganj, District- Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 17-12-2018 Heard learned Counsel for the petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 302, 323, 324 and 504 of the Indian Penal Code.

Initially, the prosecution case got initiated with filing of Complaint Case No. 3766 of 2017 , which came to be



registered as police case, being Rivilganj P.S Case No. 218 of 2018, after its being transferred under Section 156(3) of the Code of Criminal Procedure.

The prosecution case is that on 12.11.2017, the accused persons were ploughing the land situated adjacent to the land of the informant and they virtually demolished the demarcation of the land of the informant. When the husband of the informant made protest, all the accused persons started assaulting the husband of the informant causing injury on his head. It is further alleged that petitioner no. 1 Sheojee Yadav gave farsa blow to Lalan Yadav causing injury on his head, petitioner no. 5 Hareram Yadav gave lathi blow on the chest of Lalan Yadav, petitioner no. 6 Arjun Yadav assaulted with an iron rod on Lalan Yadav. Whereas, rest of the accused persons assaulted the husband of the informant Lalan Yadav by means of lathi and danda. It is further alleged that when the informant went to rescue her husband she was also assaulted by accused persons.

It is submitted by learned counsel for the petitioners that specific accusation of assault has been levelled against only petitioner nos. 1, 5 and 6. In fact, the husband of the informant has never been admitted to Sadar Hospital, Chapra



rather he was admitted in a private clinic. Neither the injury report nor any postmortem report of the deceased is on record. For the occurrence of 12.11.2017, the FIR was registered on 12.07.2018. The death certificate obtained by the son of the deceased reflects that the husband of the informant died a natural death. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioners.

Considering the fact that the accusation is not corroborated by any medical opinion, delayed lodging of the FIR and delayed filing of the complaint, coupled with statement made in paragraph no.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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VIII, Saran at Chapra in connection with Revilganj P.S. Case No. 218 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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