

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.57895 of 2018

Arising Out of PS.Case No. -371 Year- 2017 Thana -NARPATGANJ District- ARRARIA

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1. Renu Devi, wife of Kailu Yadav,
 2. Jhari Lal Yadav, son of Late Madan Yadav,
 3. Krishan Mohan Yadav, son of Late Madan Yadav,
 4. Kailu Yadav, son of Jhari Lal Yadav, All are resident of Village- Khaira Garia, P.S.- Narpatganj, District- Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ramesh Kumar Singh, Advocate.

For the Opposite Party : Mr. Nagendra Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 25-10-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 341, 323, 354(B), 379,
307, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 12.08.2017
at about 8.00 A.M., the accused persons flow the waste water in
the courtyard of the informant after breaking fencing, as a result,
food of cattle was destroyed. He was talking in his courtyard in the
meanwhile, petitioner no. 1 Renu Devi started abusing and other
F.I.R. named accused persons, armed with deadly weapon entered



into his courtyard after breaking fencing and co-accused Madho Yadav and petitioner no. 4 Kailu Yadav tried his neck with *Gamcha* with intent to kill him. He further alleged that on his sound, his elder brother named Taleshwar Yadav came to rescue him, co-accused Fani Lal Yadav inflicted *Farsa* blow on his head with intent to kill him as a result of which, his brother fell down on the ground and blood was oozing. In the meantime, informant's wife namely, Neelam Devi, also came with a view to save them. Co-accused Madho Yadav caught his wife and tore her clothes and also snatched her silver chain. He further alleged that on hulla, when his brother namely, Dhaneshwar Yadav came there, co-accused Rajeev Yadav and petitioner no. 3 Krishna Mohan Yadav assaulted him with indiscriminate *Lathi* blow and torn his thigh and back side. He became senseless. He further alleged that co-accused Madho Yadav is a man of criminal mentality and the informant has apprehension that co-accused Madho Yadav can kill him or his family members. Thereafter, the accused persons also took away box from the house containing Rs. 15,000/-, documents and clothes.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 1 to 3 have got no criminal antecedent. There is no allegation of tampering with the witnesses



alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. Nature of injury is said to be simple. Hence, no offence under Section 307 of the IPC is made out.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or 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 the learned C.J.M., Araria, in connection with Narpatganj P.S. Case No. 371 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)