

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40046 of 2018

Arising Out of PS.Case No. -84 Year- 2018 Thana -MAGADH MEDICAL COLLEGE District-
GAYA

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1. Jitendra @ Raja Yadav, Son of Kailash Yadav.
2. Surendra Kumar, Son of Kailash Yadav.
3. Kailash Yadav, Son of Narayan Yadav, All resident of Village- Gulariya chak, P.S. M.M.C.H. District- Gaya.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Ram Priya Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-07-2018 Heard both sides.

The petitioners apprehend their arrest in M.M.C.H. P.S. Case No.84/2018 registered under Sections 307 and other minor Sections of the Indian Penal Code.

The informant Manu Kumar alleged that while he was working in the field, the petitioners and other accused persons having armed with different weapons came and asked the reason of doing the work in the field. The informant said that he is owner of the land. On such, Jitendra and Surendra Kumar, the petitioner no.1 and 2 are said to have caught the informant and Kailash Yadav, the petitioner no.3 is alleged to have assaulted the informant with butt of his pistol on his head. When Dinesh Kumar



came to save, the accused persons are also alleged to have assaulted him with iron rod and butt.

Learned counsel for the petitioners submits that there is a land dispute between two sides. From the side of the petitioners Magadh Medical P.S. Case No.83/2018 is registered. The informant alleged that Kailash Yadav assaulted him with butt on his head but from perusal of the injury report of the informant, it would appear that the informant did not get injury on his head. He got injury on left lower forearm and right side of forehead of scalp. The injury on right side of forehead of scalp is superficial in nature and the injury found on left lower forearm is simple in nature but informant did not disclose the author of the injury caused on left lower forearm. Dinesh Kumar also got simple injury. From the side of the informant, many persons also received injury.

Taking into consideration the aforesaid fact and the fact that on account of dispute both sides entered into mutual assault and got injury, the petitioners above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like



amount each to the satisfaction of learned A.C.J.M.-IV, Gaya, in connection with M.M.C.H. P.S. Case No.84/2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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