

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7422 of 2019

Arising Out of PS. Case No.-328 Year-2018 Thana- PANCHRUKHI District- Siwan

Yogendra Singh, Son of Late Indradev Singh, Resident of village-Manjhariya,
P.O-Mahuaripapaur, P.s.-Pachrukhi, District-Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 447, 504 and 34 of the Indian Penal Code.

The prosecution case as per the written statement of Shailendra Kumar Singh submitted to the S.H.O., Pachrukhi Sarai P.S. is to the effect that on 19.11.2018 at about 6.30 P.M., the informant along with his wife and children was sitting in his room. In the meantime, the petitioner, Yogendra Singh armed with iron rod, co-accused Munni Kumari @ Vandana Kumari, daughter of the petitioner armed with lathi and co-accused Dharmshila Devi, wife of the petitioner armed with dab, came and asked the informant to vacate his room. Thereafter, the wife



of the petitioner, Dharmshila Devi started abusing the informant, on protest being made, she started assaulting the informant with Dab. When the wife of the informant, Minta Devi came to rescue, then the petitioner assaulted her with iron rod on her head causing bleeding injury. It is further alleged that co-accused Munni Kumari @ Vandana Kumari, the daughter of the petitioner, assaulted the informant with lathi, danda, causing fracture injury on his finger of right hand. On alarm being raised, when the co-villagers came, all the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioner that the accusation has been levelled in the background of tenancy dispute. Moreover, the petitioner and the informant are own brothers and there was a property dispute between them from a very long time. It is further submitted that the injury of Minta Devi, the wife of the informant has been found to be of marginal size and simple in nature. Though there is accusation against the petitioner of assaulting on the scalp on the wife of the informant, but no such injury has been found in the medical report. It is further submitted that for the occurrence of 19.11.2018, on 18.30 P.M., the FIR was registered after 24 hours on 20.11.2018 on 04.30 P.M. A statement has been made in



paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation of assaulting the wife of the informant with iron rod against the petitioner.

Considering the genesis of occurrence being tenancy dispute and there is no accusation of repeating the blow, injury being found simple superficial in nature, coupled with the statement made in para 3 of the bail petition to the effect that the petitioner is not having 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **A.C.J.M.-VI, Siwan** in connection with **Pachrukhi Sarai O.P. P.S. Case No.328 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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