

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6039 of 2019

Arising Out of PS. Case No.-443 Year-2018 Thana- DHAKA District- East Champaran

Murari Yadav @ Muradi Yadav, Age – 25 years (M), Son of Narad Yadav,
resident of village-Karsahiya, P.S-Dhaka, Distt.-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.S. D. Singh Yadav, App (131)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 03.11.2018 in a case registered for the offences punishable under Sections 341, 323, 324, 307 and 379/34 of the Indian Penal Code.

The prosecution case as per the written report of Shiv Sao submitted to Station House Officer of Dhaka Police Station is to the effect that co-villager of the informant, Narad Yadav has been trying to grab the land of the informant and he use to pressurize the informant to transfer the land in his favour. It is alleged that on 02.11.2018 at 7.00 A.M., the petitioner Murari Yadav and co-accused Rajeshwar Yadav were carrying sand kept on the land of the informant. On protest being made, the



accused persons assaulted the informant with lathi. It is specifically alleged that the petitioner assaulted with a sword on the head of the informant causing bleeding injury and when the father of the informant came to rescue, then all the accused persons assaulted him with lathi and bamboo stick.

It is submitted by learned counsel for the petitioner that the accusation of assault has been levelled in the background of land dispute. The impugned order suggests that there is incised wound on mid scalp on the right side caused by sharp cutting weapon but injury report of the informant does not suggest that it has been found to be grievous. The accusation of assault to the father of the informant has been alleged against the co-accused persons. It is further submitted that the investigation has already been concluded. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault with a sword on the head of the informant, levelled against the petitioner.

Considering the accusation being levelled in the background of land dispute, there is no accusation of repeating the blow and the investigation has already been concluded,



coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran in connection with Dhaka P.S. Case No. 443 of 2018.

(Dinesh Kumar Singh, J)

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