

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7405 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- KEWATI District- Darbhanga

Ramdeo Yadav, Son of Late Ramkrit Yadav, Resident of Village - Andama,
P.S. Keoti, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Raj Kishore Singh, 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 147, 148, 149, 447, 341, 323, 324, 307, 354(B), 379, 504 and 427 of the Indian Penal Code.

The prosecution case as per the written report of Sanjeet Kumar Yadav submitted to the S.H.O., Keoti P.S. is to the effect that the FIR named accused persons including the petitioner, being the neighbour of the informant, blocked the passage of the informant by storing sand. On protest being made by the wife of the informant, all the accused persons refused to clear the passage. As a result, the wife of the informant submitted a complaint in the police station, whereupon, a police officer came and removed the sand from the road in question. On



03.09.2018, at about 11.00 A.M., eight accused persons, including the petitioner came variously armed and started abusing the informant. When the informant came out of his house, then on the order of the co-accused Ram Safal Yadav, co-accused Hari Shankar Yadav assaulted the informant with *farsa* on his head, causing bleeding injury, as a result, the informant fell down. Thereafter, the petitioner, Ramdeo Yadav, assaulted the informant with an iron rod on his head, causing bleeding injury. It is further alleged that co-accused persons namely, Lalan Yadav, Birendra Yadav, Naresh Yadav and Sanjeet Yadav also assaulted him, when the wife of the informant, Kavita Devi came to rescue, she was also assaulted by all the accused persons. It is alleged against the co-accused, Ram Safal Yadav that she disrobed the wife of the informant, co-accused Sanjeet Yadav snatched gold chain from her neck and co-accused Birendra yadav took away Rs. 5,000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioner that in the background of a passage dispute, the accusation has been levelled against the petitioner. It is further submitted that there is accusation against the petitioner of assaulting with an iron rod on the head of the informant but the injury has been found to be



simple in nature which reflects from the impugned order. Moreover, there is no accusation of repeating the blow. 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 against the petitioner of assaulting the informant with an iron rod on his head.

Considering the genesis of occurrence being dispute with regard to passage and there is no accusation of repeating the blow, coupled with the fact that the petitioner is not having any 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) each with two sureties of the like amount each to the satisfaction of the learned **A.C.J.M.-VII, Darbhanga** in connection with **Keoti P.S. Case No.153 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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