

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14309 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- HISUWA District- Nawada

Jagendra Yadav @ Jago Yadav @ Jogendra Yadav, S/o- Gorelal Yadav, R/O
Village- Woro, P.S-Hisua. Dist-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwivedy Surendra
For the Opposite Party/s : Mr. Manish Kumar No.2

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 448, 427, 307, 354B, 379 and 504 of the IPC.

It appears that the petitioner earlier preferred anticipatory bail application, vide Cr. Misc. No. 72890 of 2018, wherein there were four petitioners and out of them, bail application of two petitioners were rejected by the learned Court below by separate orders, hence the petitioner was permitted to withdraw the said application with liberty to prefer another anticipatory bail application and consequently, the present application has been filed.

The prosecution case, as per the written report of Renu



Devi, dated 06.06.2018, submitted to the Station House Officer, Hisua Police Station, is to the effect that on 11.05.2018, Sita Ram Yadav took the tractor on the land of the informant to plough the same since he wanted to grab the land of the informant which was protested by the husband of the informant, Bhola Prasad Yadav and sister-in-law of the informant, Seema Devi. Consequently, on the same day, at about 10.30 P.M., all 8 FIR named accused persons including the petitioner came variously armed when on order of co-accused, Gorelal Yadav, all the accused persons damaged the house hold articles and assaulted the informant and when the informant's sister-in-law, Seema Devi came to rescue him then co-accused Uma Devi, Dulari Devi and Kapil Yadav caught hold of the informant and her sister-in-law and dragged them by catching their hair when co-accused Sita Ram Yadav assaulted the informant with khanti causing bleeding injury on her head. It is further alleged that the petitioner and co-accused Dharmendra Yadav tried to outrage the modesty of the informant and her sister-in-law and the petitioner assaulted the sister-in-law of the informant with lathi.

It is submitted by learned counsel for the petitioner that the accusation has been levelled against the petitioner in the background of a serious land dispute. The case lodged by the



petitioner's side, being Hisua P.S. Case No. 124 of 2018, lodged against the informant's side is at earlier point of time. It is further submitted that the informant and her sister-in-law have received superficial simple injuries and co-accused Rakesh Kumar and others have been granted privilege of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 11.01.2019, passed in Cr. Misc. No. 72890 of 2018. Moreover, for the alleged occurrence of 11.05.2018, the FIR was lodged on 06.06.2018. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the Fir with specific accusation.

Considering the genesis of occurrence, being land dispute, delayed lodging of the case, the accusation of assault by the petitioner not being corroborated by the medical opinion and the case lodged by the petitioner's side against the informant's side at earlier point of time, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.



10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No. 153 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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