

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11580 of 2019

Arising Out of PS. Case No.-229 Year-2018 Thana- KHODAWANDPUR District- Begusarai

1. RAM BILAS YADAV Son of Late Saryug Yadav Resident of Village - Aijni, P.S- Khodowandpur (Chhurahi O.P) Distt.- Begusarai
2. Vikash Kumar @ Vikash Yadav Son of Jugeshwar Yadav Resident of Village - Aijni, P.S- Khodowanpur, (Chhurahi O.P) Distt.- Begusarai
3. Amarjit Yadav Son of Ram Bilas Yadav Resident of Village - Aijni, P.S- Khodowandpur (Chhurahi O.P) Distt.- Begusarai
4. Mahesh Yadav Son of Ram Bilas Yadav Resident of Village - Aijni, P.S- Khodowandpur (Chhurahi O.P), Distt.- Begusarai
5. Lukhiya Devi Wife of Ganeshi Yadav Resident of Village - Aijni, P.S- Khodowandpur, (Chhurahi O.P.), Distt.- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Dhar Jha
For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-02-2019 Heard both sides.

The petitioners apprehend their arrest in Khodawandpur (Chhaurahi O.P.) P.S. case No. 229 of 2018 registered under Section 307, 323 and other minor Sections of the Indian Penal Code.

The informant alleged that while he was grazing she buffalo in the orchard of Triveni Yadav, Vikash Yadav, petitioner No.2, Mahesh Yadav, petitioner No.4 and Ram Bilas Yadav, petitioner No.1 assaulted him with stick but the villagers



pacified the matter and the informant came to his Darwaja. While the informant was feeding his she buffalo again the petitioners and others came and assaulted the informant on the order of Ram Bilas Yadav, petitioner No.1. Mahesh Yadav assaulted the informant with Farsa on his head. The accused persons also assaulted the female members of the family.

The learned counsel for the petitioners submits that there is land dispute between two sides. Prior to institution of the present case Ram Bilas Yadav, petitioner No.1, lodged Khodawandpur P.S. case No. 105 of 2018 against the informant and others. The informant got bail in that case and thereafter he lodged this case. It is further submitted that Mahesh Yadav is alleged to have assaulted the informant with Farsa on his head but from perusal of injury report (Annexure-3) it would appear that informant got two lacerated wounds on his head and both the injuries are opined to be simple in nature and caused by hard and blunt object, therefore, the assertion of the informant of assault by sharp edged weapon is not corroborated by the injury report.

Considering the facts that save and except Mahesh Yadav there is no specific allegation of assault against any other accused persons and even Mahesh Yadav is said to have



assaulted the informant with Farsa but doctor found lacerated wounds, which are simple in nature, 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 are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub divisional Judicial Magistrate, Manjhaul, Begusarai in connection with Khodawandpur (Chhaurahi O.P.) P.S. case No. 229 of 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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