

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15761 of 2019

Arising Out of PS. Case No.-99 Year-2018 Thana- JAMOBABAZAR District- Siwan

1. SWAMINATH YADAV Son of Late Charitar Raut Resident of Village - Chand Tola, Mathia, P.S.- Jamo Bazar, Distt - Siwan.
2. Santosh Yadav Son of Swaminath Yadav Resident of Village - Chand Tola, Mathia, P.S.- Jamo Bazar, Distt - Siwan.
3. Mira Devi Wife of Santosh Yadav Resident of Village - Chand Tola, Mathia, P.S.- Jamo Bazar, Distt - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Upendra Prasad Singh
For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-03-2019 Heard learned Counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 307 and 379 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report submitted by Ram Pravesh Mahto to the Station House Officer, Jamobazar Police Station is to the effect that on 18.06.2018 at 4.30 P.M., 12 accused persons named in the FIR, including the petitioners and some unknown persons called the son of the informant, namely Subhash Mahto and started



assaulting him. It is alleged that when the informant came to rescue his son, all the accused persons including the petitioners assaulted him also. Thereafter, when Ram Prasad Mahto went there then, co-accused Arjun Yadav assaulted on his head with an axe. It is further alleged that when Sangeeta Devi came to rescue, she was assaulted by all the accused persons with lathi and danda, when co-accused Himanshu Yadav snatched a gold chain worth Rs.30,000/- from her neck. It is further submitted that when Raj Kumar Mahto came to rescue then co-accused Baliram Yadav assaulted him with lathi and danda.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled against the petitioners and others and the specific accusation of assault is not against the petitioners rather it has been levelled against the other co-accused persons. It is further submitted that there is a counter version of the occurrence also being, Jamo Bazar P.S. Case No.100 of 2018 for the offences punishable under Sections 147, 341, 323, 427, 337, 324, 307 and 379 of the IPC. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the



petitioners are named in the FIR.

Considering the fact that there is no specific accusation of assault against the petitioners, their being a counter case filed by the petitioners side against the informant and others, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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 ACJM, XIII, Siwan in connection with Jamo Bazar P.S. Case No.99 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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