

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17308 of 2019**

Arising Out of PS. Case No.-214 Year-2018 Thana- JHAJHA District- Jamui *

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KAILASH YADAV, Son of Judan Yadav, Resident of Village- Dwarpahri,
Police Station- Jhajha, District Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 26-03-2019 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 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.

The prosecution case as per the written statement of Basudev Yadav submitted to the S.H.O., Jhajha P.S. is to the effect that on 10.06.2018, the informant was getting his land



measured which was protested by the father of the petitioner, Judan Yadav. Thereafter, when the informant said that he was conducting the measurement of his own land, then the father of the petitioner started abusing the informant. On protest being made, the petitioner, Kailash Yadav, co-accused persons namely, Adhik Yadav, Gopal Yadav, Debu Yadav, Ramkhelawan Yadav and Pankaj Yadav started assaulting the informant with lathi, danda and rod. It is further alleged that co-accused Gopal Yadav and the petitioner assaulted the son of the informant, Ramesh Yadav on his head and when second son of the informant, Pappu Yadav came to rescue, he was also assaulted by the father of the petitioner, Judan Yadav and co-accused, Ramkhelawan Yadav by khanti causing cut injury below his nose.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled against the petitioner and the accusation of assault is omnibus and general against the petitioner. It is further submitted that there is a counter version of occurrence being, Jhajha P.S. Case No.215 of 2018 in which the petitioner's side has also received injuries. So far as the injuries of Ramesh Yadav is concerned, he has received two lacerated injuries out of which, one is grievous in nature caused by hard and blunt



substance and the injuries caused to Pappu Yadav has been found simple in nature. 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 the accusation of assault is specific against the petitioner.

Considering the fact that the accusation has been levelled in the background of land dispute, there is a counter version of occurrence and 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) with two sureties of the like amount each to the satisfaction of the learned **S.D.J.M., Jamui**, in connection with **Jhajha P.S. Case No. 214 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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