

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17749 of 2019

Arising Out of PS. Case No.-37 Year-2018 Thana- BANDEYA District- Aurangabad

1. SHAMBHU YADAV (M), aged about 28 years, Son of Naresh Yadav
 2. Sindhu Yadav (M), aged about 24 years, Son of Naresh Yadav
 3. Mithilesh Yadav (M), aged about 45 years, Son of Late Sahdeo Yadav
 4. Ranjit Kumar(M), aged about 21 years, Son of Mithlesh Yadav
- All four resident of Village-Narayanpur, P.S-Bandeya Dist.-Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh
For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-03-2019 Heard both sides.

The petitioners apprehend their arrest in Bandeya P.S.
Case No.37 of 2018 registered under Sections 341, 323, 324,
307, 379, 448, 504, 506 and 34 of the Indian Penal Code.

The informant named the petitioners along with other
accused persons and alleged that they all having armed with
different weapons came and Shambhu Yadav assaulted the
informant(Kapil Yadav) with iron rod on his head. Sindhu
Yadav(petitioner No.2) and Sudhir Yadav also assaulted the
informant with different weapons. It is further alleged that when
Nand Kishore Yadav, son of the informant and his other family
members namely, Sanju Devi and others came, Mithilesh Yadav



and Ranjit Kumar(petitioner Nos.3 and 4) assaulted them.

The learned counsel for the petitioners submits that there is a counter version being Bandeya P.S. Case No.39 of 2018. The informant(Kapil Yadav) got one injury on his head. The opinion of the injury is kept reserved. Other injured persons got simple injury. Sindhu Yadav(petitioner No.2) and Sudhir Yadav are also alleged to have assaulted the informant(Kapil Yadav) but no corresponding injury is found on the person of the informant. It is submitted that on account of land dispute, the occurrence took place. Kapil Yadav(the informant) did not get any X-ray and although the final opinion is not given but the injury, in absence of X-ray report, shall be deemed to be simple in nature.

Taking into consideration the facts that the occurrence took place due to land dispute and there is a case and counter case which shows that both sides entered into mutual assault with each other, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Daudnagar in the district of



Aurangabad in connection with Bandeya P.S. Case No.37 of
2018, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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