

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24675 of 2019

Arising Out of PS. Case No.-17 Year-2018 Thana- SAMHO District- Begusarai

1. Naresh Yadav, Aged about 46 years, Male, Son of Sahdev Singh, Resident of Village - Akha Kurha, P.S.- Samho, District- Begusarai
2. Ajit Kumar @ Ajit Yadav, Aged about 23 years, Male, Son of Naresh Yadav, Resident of Village - Akha Kurha, P.S.- Samho, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-09-2019 Heard both sides.

The petitioners apprehend their arrest in Samho P.S.
Case No.17 of 2018, registered under Sections 447, 342, 323,
325, 308, 354, 504 and 34 of the Indian Penal Code.

The informant named both the petitioners along with Ramit Kumar Yadav and Samit Kumar Yadav and alleged that on account of land dispute they started cutting soil from the lands of her share. When the informant forbade, Naresh Yadav, petitioner no.1 is alleged to have abused and asked his sons to assault. On such, Ramit and Samit assaulted the informant with lathi on her head. Ajit Yadav, petitioner no.2 is said to have assaulted the informant with back of the spade causing fracture



injury on her hand. Her husband was also assaulted by the accused persons.

Learned counsel for the petitioners submits that the occurrence took place on 18.04.2018 but the informant lodged the case on 05.05.2018. It is further submitted that even after institution of the case, the informant did not produce any injury although the informant lodged the case after more than two weeks of the occurrence on the pretext that she was under treatment in hospital nor the Investigating Officer collected any injury report. It is submitted that on account of land dispute, some altercation took place due to partition of land.

Taking into consideration the facts that the informant herself admitted that the land fell in her share and there appears that some dispute arose due to partition of property but neither the informant submitted the injury report although she was under treatment in the hospital for more than two weeks after the occurrence nor the Investigating Officer got any injury report, let 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 enlarged on bail 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 S.D.J.M., Begusarai in connection with Samho P.S.
Case No.17 of 2018, subject to the conditions laid down under
Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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