

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23814 of 2019

Arising Out of PS. Case No.-32 Year-2017 Thana- BHEJA District- Madhubani

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1. NAWAL YADAV Son of Jay Ram Yadav Resident of Village- Baidy Nathpur, P.S.- Bheja, District- Madhubani.
 2. Tun Tun Yadav Son of Jay Ram Yadav Resident of Village- Baidy Nathpur, P.S.- Bheja, District- Madhubani
 3. Sanjay Yadav Son of Baidy Nath Yadav Resident of Village- Baidy Nathpur, P.S.- Bheja, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Manish Kumar No2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-04-2019 Heard both sides.

The petitioners apprehend their arrest in Bheja P.S. case No. 32 of 2017 registered under Section 307, 379 and some other minor Sections of the IPC.

The informant named the petitioners and others and alleged that while they were cutting trees his uncle Surendra Yadav asked them not to cut the trees. Baidnath Yadav claimed the land to be his own. His uncle insisted for measurement of the land before cutting of the trees but Nawal Yadav, petitioner No.1, ordered to kill the informant and his uncle. On such, Tun Tun Yadav, petitioner No. 2, assaulted the informant with Farsa



on his head. Sanjay Yadav, petitioner No.3, is alleged to have assaulted Surendra Yadav, uncle of the informant. Baidnath Yadav, Ajit Yadav and Nawal Yadav assaulted the informant with Lathi.

The learned counsel for the petitioners submits that there is counter version being Bheja P.S. case No. 31 of 2017, registered on the basis of fard bayan of Baidnath Yadav, one of the accused of this case. The police after investigation submitted final form finding the case true only u/s 324, 323, 504, 341,34 of the IPC but the learned Magistrate took cognizance u/s 307 and other Sections of the IPC also. The injuries are simple in nature.

Taking into consideration the facts that there appears case and counter case on account of land dispute and both sides entered into mutual assault on each other in which police found the case true only underailable sections of the IPC but learned Magistrate took cognizance u/s 307 of the IPC also, the petitioners, above named, in the event of their arrest/ surrender before the 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 their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount



each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Jhanjharpur, Madhubani in connection with Bheja P.S. case No. 32 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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