

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27816 of 2019

Arising Out of PS. Case No.-177 Year-2017 Thana- KUMAR KHAND District- Madhepura

1. Bauku Yadav S/O Ganeshi Yadav, Resident of Village- Gadhiya, P.S.- Kumarkhand, District- Madhepura.
2. Shrawan Yadav @ Sarvan Yadav @ Shrawan Kumar S/O Bauku Yadav, Resident of Village- Gadhiya, P.S.- Kumarkhand, District- Madhepura.
3. Raj Deep Kumar S/o Bauku Yadav, Resident of Village- Gadhiya, P.S.- Kumarkhand, District- Madhepura.
4. Raj Kumar, S/o Bauku Yadav, Resident of Village- Gadhiya, P.S.- Kumarkhand, District- Madhepura.
5. Gita Devi, W/o Bauku Yadav, Resident of Village- Gadhiya, P.S.- Kumarkhand, District- Madhepura.
6. Kalpana Kumari @ Devi, W/o Sharwan Yadav, Resident of Village- Gadhiya, P.S.- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha
For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 01-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

Petitioners apprehend their arrest in connection with Kumarkhand P.S. Case No. 177 of 2017 registered for the offence punishable under Sections 341, 323, 354, 379, 307, 504, 506/34 of the Indian Penal Code.

While the informant was at his house, all the petitioners armed with weapons descended at his house and



started assaulting him. On the exhortation of petitioner Bauku Yadav, his three sons started assaulting the informant and his family members by means of dabiya and rod while petitioners Gita Devi and Kalpana Devi assaulted his wife and relieved her of her ornaments. They also took away cash and documents from his house breaking open the box. His brother and his wife had sustained injury in the said occurrence.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. They have been falsely implicated in this case due to land dispute and animosity. Title Suit No. 26/16 is pending between the parties. There is case and counter case between the parties. Allegation levelled against the petitioners is not specific rather general and omnibus in nature. All the victims have sustained simple injury caused by hard blunt substance. Though, opinion regarding sharp cut injury on the head of the informant is reserved on 3.8.2017, but no supplementary injury report has been brought on record even after lapse of about two years.

On the other hand, learned APP opposed the bail prayer of the petitioners.

In the facts and circumstances of the case, let the



above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six 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 learned S.D.J.M., Madhepura in connection with Kumarkhand P.S. Case No. 177 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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