

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29880 of 2019

Arising Out of PS. Case No.-725 Year-2018 Thana- MADHEPURA District- Madhepura

1. CHANDRA KANT YADAV, aged about 50 years, Gender-Male
 2. Srikant Yadav, aged about 48 years, Gender-Male
 3. Jaikant Yadav, aged about 46 years, Gender-Male
- All sons of Late Laxmi Yadav Resident of Village - Kaushalpur, Ward No. 09, P.S. and District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-05-2019 Heard both sides.

The petitioners apprehend their arrest in Madhepura (Bharrahi) P.S. Case No.725 of 2018 registered under Sections 307, 379, 504, 323, 341 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named the petitioners along with other accused persons and alleged that his brother, Arvind Yadav has put grass on the ridge situated between the land of the petitioners and the informant but the informant objected, on such, Chandra Kant Yadav exhorted and on such exhortion, Niraj Kumar assaulted Arvind, the brother of the informant with farsa on his head. When his brother Arvind fell down, Niraj



gave second blow which hit on the head of Arvind causing injury on his head. Jaikant Yadav, petitioner No.3 is said to have made firing and he is also assaulted Pappu Kumar. The accused persons are alleged to have snatched money and other articles from the possession and house of the informant.

The learned counsel for the petitioners submits that in fact, the occurrence took place due to demand of measurement of land. The informant and his brother assaulted Chandrakant Yadav and his brothers for which Madhepura(Bharrahi) P.S. Case No.724 of 2018 was registered. It is further submitted that Niraj Kumar is the assailant of Arvind Yadav. There is no allegation of assault on Arvind Yadav against these petitioners. It is further submitted that Pappu Kumar did not receive any injury on account of assault made by Jaikant Yadav, petitioner No.3. There is no specific allegation much less the allegation of assault against petitioner No.2, Srikanth Yadav and Chandrakant Yadav.

Taking into consideration the fact that the petitioners are of course named in the F.I.R. but there is no allegation of assault against the petitioners on Arvind Yadav and there appears a counter case which shows that both the sides entered into scuffle and assaulted each other on account of land dispute,



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 Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi) P.S. Case No.725 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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