

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.34750 of 2019**

Arising Out of PS. Case No.-827 Year-2017 Thana- KHAGARIA District- Khagaria

1. RAM SAGAR YADAV @ RAM SAGAR PRASAD YADAV Son of Rajendra Yadav Resident of village- Kumarchakki, P.S. - Mufassil, District- Khagaria.
2. Sudhir Kumar Son of Rajendra Yadav Resident of village- Kumarchakki, P.S. - Mufassil, District- Khagaria.
3. Bibhash Yadav @ Bibhash Kumar Son of Ram Sagar Yadav Resident of village- Kumarchakki, P.S. - Mufassil, District- Khagaria.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

|                        |   |                                            |
|------------------------|---|--------------------------------------------|
| For the Petitioners    | : | Mr.Babita Kumari, Advocate                 |
| For the Opposite Party | : | Mr.Parmanand Kumar, Addl Public Prosecutor |
| For the informant      | : | Mr. Vivekanand Singh, Advocate             |

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      28-05-2019                      Heard learned counsel for the petitioners, the State and the informant.

Petitioners apprehend arrest in a case registered for the offences punishable under Sections 307/379 and other allied sections of the Indian Penal Code and Section 27 of the Arms Act.

The informant, who is practicing advocate in Civil Court, Khagaria, alleges that on 22.11.2017 at about 4.45 PM when he reached his house, all the named accused persons, variously armed with *farsa*, *desi rifle*, *lathi*, *danda etc*, surrounded his vehicle. Accused Bibhash Yadav pushed him



down from the vehicle and on the order of accused Ramsagar Yadav, Bhibhash Yadav gave repeated *farsa* blow on the informant causing fracture injury on his left hand as well as head injury to the informant. It is further alleged that accused Sumit Kumar also gave iron rod blow on his forehead. When the elder brother of the informant came to save him, he was also assaulted by aforesaid accused persons including accused Sudhir Kumar and Anurag Kumar. Accused Prabhash Kumar took away Rs.12,000/- from his brother's pocket.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case as both the parties are descendants of common ancestor. There is land dispute between the parties. Police, after investigation, submitted Charge sheet no. 495 of 2018 dated 31.7.2018 (Annexure 3) against other accused persons showing the petitioners not sent up for trial. However, learned court below, differing with the final report, took cognizance of the offence against the petitioners on 1.4.2019. He submits that there is a case and counter case and the injuries sustained by the prosecution side were found to be simple in nature caused by hard and blunt object. Pointing to paragraph 3 of the bail application, learned counsel for the petitioners submits that



petitioner no.1 and 2 were accused in Mufassil (Khagria) P.S. Case No. 160 of 2003 registered for offence under sections 307/379 and other allied sections of the Indian Penal Code and section 27 of the Arms Act in which they have been acquitted. Petitioner no. 2 was also an accused in Nagar Police Station Case No. 35 of 2015 registered for offence under Section 272 of the Indian Penal Code and 47(a) of the Bihar Prohibition and Excise Act, 2016 in which he is on bail. Petitioner no.3 has got no criminal antecedent.

Learned counsel for the informant, while opposing the bail application, submits that there is allegation in the FIR that the petitioners with aid of other accused persons assaulted the informant and his brother. Petitioner no. 1 and 2 have criminal antecedent.

Considering the facts of the case, let all the three petitioners, above named, in the event of their arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released 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 Sub Divisional Judicial Magistrate, Khagaria in Khagaria (Mufassil) Police Station Case No. 827 of 2017, subject to the conditions laid



down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioners shall fully co-operate with the investigation and trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioners.

**(Prabhat Kumar Singh, J)**

Shashi

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