

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38848 of 2019

Arising Out of PS. Case No.-212 Year-2018 Thana- KASIMBAZAR District- Munger

1. BHUSAN YADAV @ SASHI BHUSAN YADAV S/o Bhuneshwar Yadav
R/o village- Heru Diyara, P.S.- Kasim Bazar, District- Munger
2. Babin Kumar S/o Dilip Yadav R/o village- Heru Diyara, P.S.- Kasim Bazar,
District- Munger

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Kasim Bazar P.S. Case No. 212 of 2018, disclosing offences under Sections 341, 323, 504, 379 and 313/34 of the Indian Penal Code.

It transpires from the records that the FIR has been registered on 22.09.2018, on the basis of a *Fardbeyan* of the informant recorded on 04.09.2018 in Sadar Hospital, Munger.

It is alleged in the FIR that the accused persons assaulted the informant and his family members, including the wife of his younger brother, who was pregnant, leading to her abortion.



Learned counsel for the petitioners has submitted that the land dispute between the parties is an admitted fact, as would be evident from the FIR also. He has further submitted that there is allegation against petitioner no.1 of having assaulted the wife of the younger brother of the husband, who was in family way, on 03.09.2018, leading to abortion, but no such incident was reported immediately thereafter.

Be that as it may, considering the circumstance that there is a land dispute between the parties and the allegation of hurt cause by petitioner no.1, leading to abortion, not fully corroborated on the basis of material collected in course of investigation, this application is allowed.

Let the petitioners, above named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each, to the satisfaction of the learned CJM, Munger in connection with Kasim Bazar P.S. Case No. 212 of 2018, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case



may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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