

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65681 of 2018

Arising Out of PS. Case No.-1 Year-2018 Thana- DHIBRA District- Aurangabad

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1. Ranjay Yadav, Son of Mukhdeo Yadav
 2. Mantu Yadav Son of Mukhdeo Yadav
- Resident of Village Golha Tole Ghurandih, P.S. Dibra, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari

For the Opposite Party/s : Mr.Sri Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 18-02-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are languishing in custody since 19.07.2018 in a case registered for the offences punishable under Sections 341, 342, 323, 325, 307, 504, 506 of the Indian Penal Code. Subsequently, Section 302 of the IPC was also added.

The prosecution case as per the fardbeyan of Ramdhani Yadav recorded by S.I., D.N. Singh, S.H.O.of Dhibra Police Station on 12.01.2018 at 9.30 A.M., at Bus Stand, Baluganj is to the effect that on the same day at 9.00 A.M., the



elder brother of the informant was milking his cow, in the meantime, co-accused persons Uday Yadav, Lakhan Yadav and Mukhdeo Yadav came and made protest with regard to installation of diesel pump in the well and they started abusing and whereupon, the son of the informant Bijendra came and make protest, whereupon, co-accused Uday Yadav, Lakhan Yadav and Mukhdeo Yadav assaulted with lathi and danda on the head of the brother of the informant and caused fracture of right hand. On hearing noise, the petitioners, Ranjay Yadav and Mantu Yadav reached on the spot armed with lathi and they also assaulted the informant and brother of the informant and when the nearby people gathered at the place of occurrence, all the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioners that the specific accusation of initial assault is against three co-accused persons, Uday Yadav, Lakhan Yadav and Mukhdeo Yadav. The postmortem report stipulates two injuries, i.e., one on the head and other on the right leg on the body of the victim, which has been attributed against two accused persons and the accusation has been levelled in the background of land a dispute. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal



antecedent.

Learned counsel for the informant submits that the petitioners are also alleged to have assaulted, the victim died after three days of the occurrence and the informant also received injuries, though, simple in nature.

Learned APP after going through the case diary submits that the initial assault was made by three co-accused persons, Uday Yadav, Lakhan Yadav and Mukhdeo Yadav and in the second round, the petitioners are alleged to have made assault and the postmortem reflects two injuries to the deceased.

Considering the fact that there is specific accusation in the FIR that co-accused Uday Yadav, Lakhan Yadav and Mukhdeo Yadav assaulted the brother of the informant with lathi on the head and caused fracture injury on right hand and only two injuries are found by the doctor while conducting postmortem, one injury is on the right parietal region and other is fracture of right ulna and considering the accusation so far against petitioners are concerned, it is not being corroborated by the medical opinion and the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners 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 learned Chief Judicial Magistrate, Aurangabad in connection with Dhibra P.S. Case No. 01 of 2018.

(Dinesh Kumar Singh, J)

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