

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43401 of 2019

Arising Out of PS. Case No.-637 Year-2018 Thana- NAUTAN District- West Champaran

1. LALBABU YADAV Son of Late Chokat Yadav Resident of Village- Dakshin Telhua Bharti Tola, P.S.- Nautan, District- West Champaran at Bettiah.
2. Bharat Yadav Son of Bagad Yadav Resident of Village- Dakshin Telhua Bharti Tola, P.S.- Nautan, District- West Champaran at Bettiah.
3. Lalan Yadav Son of Ramdeo Yadav Resident of Village- Dakshin Telhua Bharti Tola, P.S.- Nautan, District- West Champaran at Bettiah.
4. Bagad Yadav Son of Late Shivdutt Yadav Resident of Village- Dakshin Telhua Bharti Tola, P.S.- Nautan, District- West Champaran at Bettiah.
5. Mukesh Yadav Son of Ramdeo Yadav Resident of Village- Dakshin Telhua Bharti Tola, P.S.- Nautan, District- West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Nautan Police Station Case No. 637 of 2018, disclosing offences under Sections 147, 149, 341, 323, 324, 307, 504, 506, 354B and 379 of the Indian Penal Code.

The allegation against the petitioners is that the petitioners, along with co-accused persons, were removing hayrick and wood from the land of the informant and when the informant objected, the accused persons assaulted the informant



and others variously, in which four persons got injured.

Learned Counsel for the petitioners submits that the parties are agnates and there is admitted land dispute between them. He further submits that there is case and counter case and from the side of the petitioners also, petitioner nos. 2, 4 and 5 have received injuries and the counter case, being Nautan Police Station Case No. 639 of 2018, has been lodged by petitioner no. 2. Referring to Annexure-3 series, which is the injury reports of the injured persons, learned Counsel submits that the allegation in the First Information Report that Bharat Yadav assaulted Punam Devi with lathi, but the injuries caused to Punam Devi is simple in nature, Vinay Yadav was assaulted by petitioner no. 5 and his injury is also simple in nature and the informant was assaulted by petitioner no. 3 and his injury, too, is simple in nature. He further submits that Jayshree Yadav was assaulted by petitioner no. 1 allegedly be farsha on his head, but from perusal of the injury report, it will transpire that the injuries caused to Jayshree are simple in nature, caused by hard and blunt substance and only one injury, i.e. injury no. 3 has been opined is grievous in nature near the hand, which is not on the vital part of the body.

After having heard learned Counsel for the parties and



taking into consideration the fact that the parties are agnates and there is case and counter case and the injuries caused to the informant and others are simple in nature and on the non-vital part of the body, except one injury caused to Jayshree, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, West Champaran, at Bettiah, in connection with Nautan Police Station Case No. 637 of 2018, subject to the condition 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.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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