

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74536 of 2018

Arising Out of PS. Case No.-178 Year-2018 Thana- DULHIN BAZAR District- Patna

1. Shanker Yadav S/o Sri Manoj Yadav r/o village-Pirhi, P.S-Dulhin Bazar, Ditt.-Patna.
2. Manoj Yadav S/o Sri Baijnath Yadav r/o village-Pirhi, P.S-Dulhin Bazar, Ditt.-Patna.
3. Baijnath Yadav S/o Late Abrisit Yadav r/o village- Pirhi, P.S.- Dulhin Bazar, District- Patna.

... .. Petitioners.

Versus

The State Of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr.Upendra Prasad-II, Advocate.
For the State	:	Smt. Anita Kumari, A.P.P.
For the Informant	:	Mr. Surj Bansh Roy, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 25-04-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Dulhin Bazar P.S. Case No.178 of 2018 registered under Sections 341, 323, 325, 379 and 504 of the Indian Penal Code.

The accusation is that in the morning of 15.07.2018, when the petitioners cut the ridge, situated in between the field of the informant and the petitioners, then Dhiraj Kumar, the son of the informant, went at the field and made protest. Thereafter, the petitioners started to abuse, then Dhiraj Kumar made protest,



on which Shanker Yadav (petitioner no.1) caused injury to Dhiraj Kumar from the back portion of Kudal on his left leg. Manoj Yadav (petitioner no.2) caused injury to Dhiraj Kumar on his forehead through iron rod and Baijnath Yadav (petitioner no.3) caused injury to Dhiraj Kumar on his shoulder through lathi. On hullah, when Renu Devi, the wife of Dhiraj Kumar, rushed there, then she was abused by them and they also snatched her gold chain and earring.

Learned counsel for the petitioners submits that, in fact, the occurrence of “Maar-Peet” took place in between the parties due to cutting of the ridge, situated in between the field of the petitioners and the informant, in which petitioners’ side also sustained injury regarding which on the basis of the fardbeyan of the petitioner no.1 Shanker Yadav, Dulhin Bazar P.S. Case No.179 of 2018 was also instituted on 15.07.2018 under Sections 341, 323 and 504/34 of the Indian Penal Code against the informant, his son and others. Moreover, the injuries, as found on the person of the son of the informant, namely, Dhiraj Kumar, are simple in nature except the injury of leg, which is said to be grievous in nature and the said opinion was given by the Government Doctor on the basis of the opinion of Private doctor.



Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, Danapur, Patna, in connection with Dulhin Bazar P.S. Case No.178 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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