

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55183 of 2019

Arising Out of PS. Case No.-829 Year-2018 Thana- TURKAULIYA District- East
Champaran

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1. CHANDRA KISHORE YADAV
2. Mahendra Yadav
Both are son of Ramchandra Yadav Resident of Village - Chitaha, P.S.-
Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Singh

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-09-2019 Heard both sides.

The petitioners apprehend their arrest in
Turkauliya (Banjaria) P.S. Case No.829 of 2018 registered under
Sections 341, 323, 307, 379, 504, 506 and 34 of the Indian
Penal Code.

The informant alleged that on 30.11.2018, he was
talking with his brother, Binod Kumar Dwivedi for harvesting of
paddy crops but Chandra Kishore Yadav(petitioner No.1),
Sandip Kumar, Amarendra Kumar, Mahendra Yadav(petitioner
No.2), Shailendra Yadav, Munna Yadav all having armed with
different weapons came and began to abuse the informant. They
alleged that the informant had lodged the case in which warrant



was issued. The informant disclosed that his brother got injury on his head on such, Munna Kumar tied towel around his neck causing injury on his neck. On the order of Chandra Kishore Yadav, Mahendra Yadav(petitioner No.2) assaulted the informant on his head with Mungri and other accused persons indiscriminately assaulted him.

The learned counsel for the petitioners submits that occurrence took place on 30.11.2018 but the F.I.R. was lodged on 13.12.2018. The informant was treated in a hospital. The doctor found one injury on head and neck swelling with greyish discoloration pulmonary compression test was found positive. It is further submitted that no other injury was found on any part of the informant. The doctor opined the injury to be simple but dangerous to life. It is submitted that there is a counter version being Turkauliya(Banjaria) P.S. Case No.849 of 2018 which was registered on 21.12.2018. On bare perusal of F.I.R. of Turkauliya(Banjaria) P.S. Case No.829 of 2018, it appears that the occurrence took place on 30.11.2018 and the informant made his statement on 01.12.2018 and sent to the S.H.O. Chhatauni P.S., East Champaran. On the basis of the written report of the informant, the present F.I.R. was lodged on 13.12.2018 but from perusal of Turkauliya(Banjaria) P.S. Case



No.849 of 2018, the informant, Chandra Kishore Yadav alleged that the occurrence took place on 15.12.2018 and, therefore, this case cannot be treated to be a counter version of Turkauliya(Banjaria) P.S. Case No.829 of 2018. Case and counter case is two versions of the same occurrence but it appears that petitioner No.1 is an order giver and he is not alleged to have assaulted the informant. Petitioner No.2 assaulted the informant with log of wood and the doctor found injury although simple but dangerous to life.

It appears that the petitioner in para 3 of the bail petition stated that the petitioners have got no criminal antecedent but on behalf of informant, copy of F.I.R. of Turkauliya(Banjaria) P.S. Case No.205 of 2000 is filed showing that petitioner(Mahendra Rai) is an accused. The petitioners concealed the fact of being accused in another case.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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