

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59490 of 2019

Arising Out of PS. Case No.-73 Year-2017 Thana- SUIYA District- Banka

1. Devendra Yadav, aged 50 years (M), S/O Shiv Charan Yadav, Resident of Village- Kouwadah, Police Station- Suiya, District- Banka.
2. Nitish Kumar, aged 22 years (M), Son of Devendra Yadav, Resident of Village- Kouwadah, Police Station- Suiya, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners apprehend their arrest in connection with Suiya P.S. Case No. 73 of 2017 registered under sections 341, 323, 307, 326(a), 504/34 of the IPC.

The allegation against the petitioners, is that the petitioners along with other accused persons assaulted the informant and others by means of *lathi*, *danda* and also threw acid on the body of informant and others.

Learned counsel appearing for the petitioners submits that both the parties are *gotias* and there is land dispute between them. Learned counsel relying upon Annexure-3 series, which is the injury report of the informant and others submits that injury caused to the informant and others have been found to be simple in



nature. Learned counsel further submits that there is a counter case also inasmuch as Suiya P.S. Case No. 74 of 2017 has been lodged by the side of the petitioners. Also, learned counsel relying upon the Annexure-3 series submits that both the parties have amicably settled the dispute and has filed a compromise petition before the court of District and Sessions Judge, Banka.

Having regard to the submission made by the parties and taking into consideration the fact that both the parties are agnates and there is a case and counter case between the parties, I am inclined to grant anticipatory bail to both the petitioners.

Accordingly, the petitioners, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Sri.Bikash Kumar, learned Additional Chief Judicial Magistrate-1, Banka in connection with Suiya P.S. Case No. 73 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

Anjula/-

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