

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72890 of 2018

Arising Out of PS. Case No.-153 Year-2018 Thana- HISUWA District- Nawada

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1. Rakesh Kumar @ Rajesh Kumar, Son of Kapil Yadav @ Tuntun Yadav.
 2. Sitaram Yadav, Son of Gorelal Yadav.
 3. Jogendra Yadav @ Jago Yadav, Son of Gorelal Yadav.
 4. Samendra Yadav @ Dharmendra Yadav, Son of Gorelal Yadav. All are Resident of Village-Woro, Police Station-Hisua In the District of Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Sri Parmeshwar Mehta

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-01-2019 The petitioner Nos. 1 and 2 seek bail in anticipation of their arrest in connection with Hisua P.S. Case No. 153 of 2018 dated 06.06.2018 instituted for the offences under Sections 147, 148, 149, 323, 448, 427, 307, 354(B), 379, 504 of the Indian Penal Code.

Because of the dispute over possession of land over which the petitioners had gone to plough the same one day, an objection was raised by the husband of the informant. Irked by the aforesaid protest, the petitioners and others are said to have entered the house of the informant and indulged in assault. Petitioner Nos. 1 and 2 are alleged to have assaulted the informant and another by means of



Khanti which a hard and blunt substance.

Though two other accused persons were also made petitioners in the present petition but by the order of this Court dated 12.12.2018, the names of Jogendra Yadav @ Jago Yadav (petitioner No. 3) and Samendra Yadav @ Dharmendra Yadav were deleted for enabling them to prefer separate/fresh bail petition. Perhaps the aforesaid two persons were only alleged to have been present at the place of occurrence and no specific allegation was made against them.

The petitioner Nos. 1 and 2 are specifically alleged to have given *Khanti* blow.

The learned counsel for the petitioners has submitted that such allegation does not appear to be correct in the face of the simple injuries suffered by the informant and his wife.

Apart from this, learned counsel for the petitioners has stressed upon the point that there is a dispute with respect to possession of land where the petitioners, claiming the land to be their own had gone for ploughing the same. In



such event, false implication of the petitioner Nos. 1 and 2 cannot be ruled out.

Regard being had to the aforesaid facts as also taking into account the clean antecedents of the petitioner Nos. 1 and 2, let the petitioner Nos. 1 and 2, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be released on bail on their furnishing bail bonds of Rs. 10,000/-(ten thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Hisua P.S. Case No. 153 of 2018, subjssect to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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