

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66907 of 2019

Arising Out of PS. Case No.-200 Year-2019 Thana- NOORSARAI District- Nalanda

1. DIPU @ SHASHI KUMAR @ DEEPU YADAV Son of Vidya Gope @ Vidyanand Yadav @ Binda Gope Resident of Village- Noorsarai, P.S.- Noorsarai, District- Nalanda.
2. Dillu Kumar @ Thillu Kumar Son of Vidya Gope @ Vidyanand Yadav @ Binda Gope Resident of Village- Noorsarai, P.S.- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 Heard learned counsels for the parties.

The petitioners being agnates of the informant are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,307 and 504 of the IPC.

The prosecution case is that on 5.7.2019 at 4-5 P.M. the informant was returning from agricultural field to his house along with his father and brother when the accused persons made assault. It is further alleged that co-accused Ram Saran Prasad assaulted the informant by iron rod. When the father of the informant went to rescue, Ram Uchit Yadav assaulted him with Garasa causing cutting two fingers of right hand. It is



further alleged that co-accused Pawan Kumar Vidya Gope and Suraj Kumar assaulted the brother of the informant, namely Naresh Prasad by iron rod and lathi and co-accused Deepu Yadav fired three rounds.

It is submitted by learned counsel for the petitioners that in the background of land dispute the petitioners being agnates of the informant, have been roped in the present case. Though there is specific accusation against the petitioner no. 1 of firing but the injury report does not suggest any fire arm injury. There is counter version of the occurrence being Noorsarai P.S. Case No. 198 of 2019. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the specific accusation of assault is levelled against other co-accused, there being counter version of the occurrence and the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand)



each with two sureties of the like amount each to the satisfaction of the learned CJM, Nalanda at Biharsharif in connection with Noorsarai P.S. Case No.200 of 2019 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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