

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71790 of 2019

Arising Out of PS. Case No.-590 Year-2019 Thana- MADHEPURA District- Madhepura

1. BIJAY YADAV @ BIDO YADAV @ BIJAY KUMAR Son of Late Shubhnarayan Yadav @ Subhnarayan Yadav Resident of Village - Barahi, P.S.- Madhepura, District- Madhepura
2. Rajesh Kumar Son of Bijay Yadav Resident of Village - Barahi, P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,149,341,323,324,307 and 379 of the IPC.

The prosecution case is that the informant's son namely, Satish Kumar was going to plough his agricultural field on 3.7.2019 at 11.00 A.M. when all the FIR named accused persons including the petitioners surrounded him. It is alleged that the co-accused Brajesh Kumar assaulted the son of the informant with a spade causing injury on his head and petitioner no. 2 Rajesh Kumar assaulted the informant's son with a rod. It is further alleged that when the brother of the informant came to



rescue, the accused persons assaulted him also by means of a Khanti.

It is submitted by learned counsel for the petitioners that none of the injuries has been found grievous and the specific accusation of assault on the head of the informant's son is against co-accused Brajesh Kumar and that is the only noticeable injury found on the person of the informant's son. It is further submitted that there is counter version of the occurrence also and land dispute is also pending between the parties from before. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault against the petitioners.

Considering the fact that there is no specific accusation of assault against the petitioners and none of the injuries of the informant's son has been found grievous, coupled with 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,



Saharsa in connection with Madhepura P.S. Case No. 590 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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