

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70926 of 2019

Arising Out of PS. Case No.-319 Year-2019 Thana- SAUR BAZAR District- Saharsa

1. MADAN YADAV Son of Late Jang Bahadur Yadav Resident of Village - Unti Navtolia, P.S.- Sour Bazar (Patarghat O.P.), District - Saharsa.
2. Pappu Yadav Son of Late Jang Bahadur Yadav Resident of Village - Unti Navtolia, P.S.- Sour Bazar (Patarghat O.P.), District - Saharsa.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr .Amarnath Jha, Advocate.
For the State	:	Mr. A.M.P. Mehta, A.P.P.
For the Informant	:	Ms. Rashmi Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 13-11-2019 Let the supplementary affidavit filed on behalf of the petitioners be kept on the record.

At the very outset, learned counsel for the petitioners submits that the petitioner no.2, namely, Pappu Yadav, has already been arrested by the police in this case and seeks permission to withdraw this application in respect of the petitioner no.2, namely, Pappu Yadav.

Permission is accorded.

This application in respect of the petitioner no.2, namely, Pappu Yadav, is dismissed as withdrawn.

Now, only the prayer of the petitioner no.1, namely, Madan Yadav, for grant of privilege of pre-arrest bail is being considered.



Heard.

The petitioner no.1, namely, Madan Yadav, apprehends his arrest in connection with Sour Bazar (Patarghat O.P.) P.S. Case No.319 of 2019 (Cr. Case No.1956 of 2019) registered under Sections 341, 323, 324, 307, 504 and 506/34 of the Indian Penal Code.

The accusation is that four persons, named in the F.I.R., including the petitioner no.1, namely, Madan Yadav, were fixing the iron sheet at the courtyard of the share of the land of the informant Vinod Yadav. When the informant made protest, then all tried to cause assault to the informant with deadly weapons but the informant concealed himself. In the meantime, the wife Kendula Devi and daughters Puja Kumari, Kanchan Devi and Sanjan Devi of the informant, were also assaulted by them through rod, lathi and Mungri, due to which the wife and daughter Puja Kumari of the informant sustained injury and fell down on the ground. At that time, the petitioner no.1 asked his wife Fulo Devi to give knife blow to the wife and the daughter Puja Kumari of the informant and, thereafter, the wife of the petitioner no.1 gave knife blow at the head of Puja, whereas the petitioner no.1 gave knife blow thrice on her breast.

Learned counsel for the petitioner no.1, namely, Madan Yadav, submits that it would appear from the F.I.R. that the head injury of Puja Kumari, the daughter of the informant, is said to be caused through knife by the wife of the petitioner no.1 with the



further allegation that the petitioner no.1 gave knife blow thrice at the breast of Puja Kumari but no injury was found either on the head or the breast of Puja Kumari, the daughter of the informant. In fact, due to some dispute, the occurrence of “Maar-Peet” took place between the parties but with an ulterior motive, the informant has lodged the present case.

Having considered the facts and the circumstances of the case, let the petitioner no.1, namely, Madan Yadav, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saharsa, in connection with Sour Bazar (Patarghat O.P.) P.S. Case No.319 of 2019 (Cr. Case No.1956 of 2019), subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

