

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76246 of 2018

Arising Out of PS. Case No.-482 Year-2018 Thana- HILSA District- Nalanda

Surendra Yadav Son of Late Chandrika Yadav, Resident of Village- Puna Tola,
Noniyabigha, Police Station- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 19-02-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 12.9.2018 in a case registered for the offences punishable under Sections 447,341,323,307,379,504,506 and 109/34 of the I.P.C.

The prosecution case as per the Fardbeyan of Shailendra Kumar, recorded by S.I. Shyam Singh on 19.8.2018 at 2.10 P.M., is to the effect that on 18.8.2018 at 8.00 P.M., the informant was sitting at his door, in the meantime, the petitioner freed his she-buffalo for grazing the crop of the agricultural land of the informant. On protest being made, the petitioner and co-accused Surendra Yadav assaulted the informant with lathi and iron rod respectively causing head injury. It is further alleged that co-accused Asha Devi and Guria Kumari and Priyanka also came and assaulted the informant with sickle. When the son of



the informant came to rescue, he was also assaulted by the petitioner and other co accused. It is alleged that the petitioner snatched gold chain worth Rupees Fifty Thousand from the informant.

It is submitted by learned counsel for the petitioner that in the background of land dispute, the accusation has been levelled against the petitioner. There is no injury on record.

It appears that a Bench of this Court vide order dated 20.12.2018, called for the case diary of Hilsa P.S. Case No. 482 of 2018 and the injury report from the Court of learned ACJM, Hilsa. The office note dated 28.1.2019 reflects that the case diary was received but without injury report. In the circumstances, this Court vide order dated 29.1.2019 directed for transmission of a reminder to the learned Court below as well as the Superintendent of Police, Nalanda for transmission of injury report.

It appears that the Police Inspector, Hilsa, Sunil Kumar Singh transmitted Memo No. 190 dated 6.2.2019 stating that he could not get X-ray plate of both the injured, i.e., the informant and his son.

The investigation has already been concluded and charge sheet has been submitted. This reflects the callous manner in



which the investigation is being done. This not only reflects the incompetence of the I.O. but also suggests that the Superintendent of Police, Nalanda being supervising officer, has no control over his officers.

Since the injury report is not on record to corroborate the accusation against the petitioner, this Court is constrained to grant bail to the petitioner. In the circumstances, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Hilsa, Nalanda in connection with Hilsa P.S. Case No.482 of 2018.

Let this order be transmitted to the D.G.P., Bihar for information and needful.

(Dinesh Kumar Singh, J)

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