

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10488 of 2020

Arising Out of PS. Case No.-802 Year-2017 Thana- SAHARSA District- Saharsa

1. MAHESHWARI PRASAD YADAV @ MAHESHWARI YADAV Son of Late Rajeshwar Yadav Resident of Village - Sukhasan, P.S. and District- Saharsa
2. Kanchan Devi Wife of Shailendra Yadav Resident of Village - Sukhasan, P.S. and District- Saharsa
3. Sanjan Devi Wife of Dipendra Yadav Resident of Village - Sukhasan, P.S. and District- Saharsa
4. Sachchendra Yadav @ Sachen Yadav Son of Maheshwari Yadav @ Maheshwari Prasad Yadav Resident of Village - Sukhasan, P.S. and District- Saharsa
5. Bibhash Kumar @ Bibhash Yadav @ Vibhash Yadav Son of Dayakishor Yadav Resident of Village - Sukhasan, P.S. and District- Saharsa
6. Sulekha Devi Wife of Sachchendra Yadav @ Sachen Yadav Resident of Village - Sukhasan, P.S. and District- Saharsa
7. Subhash Kumar @ Subhash Yadav Son of Dayakishor Yadav Resident of Village - Sukhasan, P.S. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Amarnath Jha
For the Opposite Party/s	:	Mr.Md. Mushtaque Alam
For the informant	:	Mr. Pramod Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-06-2020 Learned Counsel for the petitioners informs that the petitioner no. 7, Subhash Kumar @ Subhash Yadav, has been arrested by the police during the pendency of this application and this application, so far as petitioner no. 7 is concerned, has become infructuous.

Accordingly, this application, so far as petitioner



no. 7, is concerned, is dismissed as having become infructuous.

This application will now survive only for petitioner nos. 1 to 6.

Heard learned Counsel for the petitioner nos. 1 to 6, learned Counsel for the informant and learned Additional Public Prosecutor representing the State, through Video Conferencing.

This application, for grant of anticipatory bail, arises out of Saharsa Sadar Police Station Case No. 802 of 2017, disclosing offences under Sections 341/323/379/385/307/324/504/506/34 of the Indian Penal Code

The allegation against the petitioners is that the petitioners, along with other co-accused persons, fourteen in number, assaulted the informant and his family members due to a dispute relating to drainage.

Learned Counsel for the petitioners submits that both the parties are next-door neighbours and there was minor dispute relating to drainage between the parties and there is case and counter case between the parties inasmuch as co-accused Shailendra Yadav has also lodged Saharsa Sadar Police Station Case No. 803 of 2017 for the incident which has allegedly taken place on the same date against the informant and others. He, referring to the impugned order, submits that the injuries caused



to the victims have been found to be simple in nature, caused by hard and blunt substance.

On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation of assault against petitioner no. 3, Sanjan Devi.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are neighbours, there is land dispute between them, there is case and counter case and the injuries caused to the victims have been found to be simple in nature, I am inclined to grant the petitioner nos. 1 to 6 privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner nos. 1 to 6, above named, in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Saharsa, in connection with Saharsa Sadar Police Station Case No. 802 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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