

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15465 of 2020

Arising Out of PS. Case No.-114 Year-2019 Thana- CHANDAN District- Banka

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1. DHURVA DEVI @ DHRUVA DEVI Wife of Nathan Yadav Resident of Village - Bishunpur, P.S. - Chandan, District - Banka.
 2. Bhutaki Devi Wife of Rajendra Yadav Resident of Village - Bishunpur, P.S. - Chandan, District - Banka.
 3. Nuneshwar Yadav Son of Nathan Yadav Resident of Village - Bishunpur, P.S. - Chandan, District - Banka.
 4. Basuki Yadav @ Baski Yadav Son of Nathan Yadav Resident of Village - Bishunpur, P.S. - Chandan, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-09-2020 The learned counsel for the petitioners submits that petitioner No.1, Dhurva Devi @ Dhruva Devi, has already been arrested and her prayer for anticipatory bail has become infructuous.

In this view of the fact, the petition for anticipatory bail of petitioner No.1, Dhurva Devi @ Dhruva Devi is dismissed as has become infructuous.

Heard both sides.

The matter has been taken up through video conferencing.



The petitioners apprehend their arrest in Chandan P.S. case No. 114/2019 registered under Section 341, 323, 324, 307, 504, 506, 337/34 of the IPC.

The informant alleged that on 05.07.2019 while he along with his sons were constructing bridge in his land, Nathan Yadav armed with Lathi, Basuki Yadav, petitioner No.4, armed with Axe, Nuneshwar Yadav, petitioner No.3, armed with spear, Rajendra Yadav with chilly powder, Dhurva Devi and Bhutaki Devi, petitioner No.2 came and began to abuse the informant and his sons. It is further alleged that Nathan Yadav assaulted the informant with Lathi on his head. Basuki Yadav assaulted him with Axe. Basuki Yadav also assaulted his son, Onkar Yadav, with Axe. When the wife of informant came to save Nathan Yadav and Nuneshwar Yadav, petitioner No.3, assaulted her with Lathi.

The learned counsel for the petitioners submits that petitioners are co-sharers of the informant. There is counter version being Chandan P.S. case No. 115/2019. No case u/s 307 of the IPC is made out. All the injuries found on the informant and his son are simple in nature.

Taking into consideration the facts that there is case and counter case and on account of land dispute both sides



appears to have entered into scuffle with each other and the injuries found on the persons of injured, as submitted by the learned counsel for the petitioners, are simple in nature, the petitioners No. 2, 3 and 4, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Chandan P.S. case No. 114/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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