

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77198 of 2019

Arising Out of PS. Case No.-220 Year-2018 Thana- BARHARIA District- Siwan

1. Rakesh Kumar Yadav @ Rakesh Yadav Son of Kamal Yadav Resident of Village- Koirigawan Koiri Tola, P.S.- Barharia, District- Siwan.
2. Urmila Devi Wife of Kamal Yadav Resident of Village- Koirigawan Koiri Tola, P.S.- Barharia, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 16-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 447, 341, 323, 324, 307 and 504/34 of the Indian Penal Code.

The prosecution case as per the written report of Raju Kumar Yadav submitted to the Station House Officer, Barahiya Police Station is to the effect that on 15.07.2018 at 9.00 A.M., co-accused Kamal Yadav came at the door of the informant and conveyed about Panchayati to be held in his house on which the informant and his father, Banshilal Yadav went at the door of co-accused Kamal Yadav, in the meantime, co-accused Kamal



Yadav and his wife, Urmila Devi, petitioner no. 2 started assaulting the informant and his father with a dab which caused injury on the eye of the father of the informant and on the head and other parts of the body of the informant. It is further alleged that petitioner no. 1, Rakesh Yadav assaulted with iron rod to the son of the informant, Tuntun and co-accused Mukesh Kumar Yadav assaulted with iron pipe on the head of the another son of the informant, Mithun Kumar. It is further alleged that Urmila Devi, petitioner no. 2 took out Rs.5,000/- from the pocket of the informant and co-accused Sarita Kumar snatched gold chain from the son of the informant, Mithun Kumar worth Rs.3,000/-.

It is submitted by learned counsel for the petitioners that the accusation of assault with sharp cutting weapon has been levelled against petitioner no. 1 Rakesh Yadav and his father co-accused Kamal Yadav but the injuries have been found superficial simple in nature caused by hard and blunt substance and that the accusation has been levelled in the background of land dispute. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP after going through the case diary submits that all the injuries have been found simple in nature



caused by hard and blunt substance.

Considering the fact that the accusation of assault not being corroborated by medical opinion and accusation has been levelled in the background of land dispute, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Barhariya P.S. Case No. 220 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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