

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 85425 of 2019

Arising Out of PS. Case No.-263 Year-2018 Thana- PHULPARAS District- Madhubani

RAM SHANKAR KUMAR YADAV @ RAM SHANKAR KUMAR Son of
Lal Bahadur Yadav Resident of Village - Mahthaur Khurd, P.S.- Phulparas,
Distt. - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 28-08-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Phulphras P.S.
Case No.263 of 2018 registered under Sections 447, 341, 323,
324, 308, 380, 427 and 34 of the Indian Penal Code.

The informant named the petitioner along with other
ten persons and 4-5 unknown persons and made specific
allegation against Ram Shankar Kumar Yadav that he assaulted
the informant with axe on her head and she fell down on the
ground. The accused assaulted her mother-in-law(Rajni Devi),
Dhanveer and Shyam Narayan Sah. It is further alleged that they
took away different articles.

The learned counsel for the petitioner submits that
Ram Shankar Kumar Yadav is alleged to have assaulted the
informant and her family members. No specific allegation of
assault is made against any other accused persons. Rajni Devi
got four injuries. All the injuries are simple in nature as no bony
lesion is found in X-ray. Renu Devi got three injuries one on



head and two lacerated in other parts of the body. All the injuries are simple in nature as doctor did not opine till date the opinion about the injury no.1. There is a counter version being Phulphras P.S. Case No.264 of 2018. On account of land dispute both sides entered into mutual assault on each other.

Taking into consideration the facts aforesaid and nature of allegation made against the petitioner and the fact that there appears that both sides entered into mutual assault on each other on account of land dispute but the injury found on the person of the informant and his family members are simple in nature, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks 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 A.C.J.M. II, Jhanjharpur, Madhubani in connection with Phulphras P.S. Case No.263 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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