

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84240 of 2019

Arising Out of PS. Case No.-235 Year-2019 Thana- PAHARPUR District- East Champaran

1. Virjan Yadav Son of Jokhu Yadav Resident of Village - Majhariya, P.S.- Malahi, District - East Champaran.
2. Chhabila Yadav Son of Jokhu Yadav Resident of Village - Majhariya, P.S.- Malahi, District - East Champaran.
3. Nagina Yadav Son of Jokhu Yadav Resident of Village - Majhariya, P.S.- Malahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-02-2020 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 147, 149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal Code.

The prosecution case, as per the written report of Sanoj Kumar submitted to Station House Officer of Malahi Police Station, is to the effect that the FIR named accused persons including the petitioners ploughing the land of the informant through tractor. On protest being made, they left the land and thereafter, they came variously armed and on the order of co-accused Rangila Yadav, Virjan Yadav, petitioner no. 1, co-



accused Teman Yadav and Lalbachan Yadav assaulted the informant's grandfather, Mangal Yadav with lathi, Bhala and Garasa and when the informant's grandfather fell down, the informant came to rescue then he was assaulted by co-accused Sota Yadav and Pramod Yadav. It is alleged that Chhabila Yadav, petitioner no. 2 and co-accused Bhutti Yadava took out Rs.5,000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioners that the accusation of assaulting the grandfather of the informant, who has been received grievous injury, against petitioner no. 1, Virjan Yadav and co-accused Teman Yadav and Lalbachan Yadav when injury of other injured has been found to be simple. Moreover, 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 submits that the petitioners are named in the FIR with specific accusation.

Considering the fact that the specific accusation of assault to the grandfather of the informant has been levelled against petitioner no. 1, Virjan Yadav causing grievous injury, this Court is not inclined to grant anticipatory bail to petitioner



no. 1, Virjan Yadav. Let the learned Court below consider the prayer for regular bail of petitioner no. 1, if he surrenders before the learned Court below within a period of six weeks from today.

Accordingly, this application on behalf of petitioner no. 1, Virjan Yadav stands disposed of.

So far petitioner nos. 2 and 3 are concerned, since there is no specific accusation of assault against them and genesis of the occurrence being 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 petitioner nos. 2 and 3 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, Motihari, District – East Champaran in connection with Paharpur (Malahi) P.S. Case No. 235 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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