

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83969 of 2019

Arising Out of PS. Case No.-273 Year-2019 Thana- BARAULI District- Gopalganj

1. RAVI KUMAR MUNNA Son of Shree Bhagwan Prasad Yadav, Resident of Village - Neuri, P.S.- Barauli, District- Gopalganj
2. Baban Yadav Son of Late Muneshwar Yadav, Resident of Village - Neuri, P.S.- Barauli, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Indrajeet Bhushan, Adv.
For the State	:	Ms.Anita Kumari, APP
For the informant	:	Mr. Thakur Brajesh Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 16-06-2020 Heard learned counsel for the petitioners, learned A.P.P. and Mr. Thakur Brajesh Singh, learned counsel for the informant.

The petitioners apprehend their arrest in Barauli P.S. Case No.273 of 2019 registered under Sections 341, 324, 307, 354 and 34 of the Indian Penal Code.

Lal Babu Yadav (informant) named the accused persons including the petitioners, namely, Ravi Kumar Munna and Baban Yadav and alleged that Ravi Kumar Munna shouted that his (informant) cow is grazing maize crops. On such, Lal Babu Yadav came out from his house and saw that his cow was tied in the cattle shed. It is further alleged that Ravi Kumar



Munna (petitioner no.1) with knife came and assaulted him on his head but the blow hit on his nose and blood started oozing. Rameshwar Yadav (brother of the informant) came to save the informant but Baban Yadav (petitioner no.2) is alleged to have assaulted Rameshwar Yadav with iron rod. The brother of the informant got injury on his elbow. It is further alleged that his sister-in-law came on which Ravi Kumar Munna (petitioner no.1) assaulted her with knife on her head and Baban Yadav is alleged to have assaulted her with iron rod. The other family members also came to save the informant and his brother but they all were assaulted by different weapons.

Learned counsel for the petitioners submits that according to the informant, the occurrence took place on 02.08.2019 but the fardbeyan was given on 04.08.2019 in Sadar Hospital, Gopalganj. From the side of the petitioners, Barauli P.S. Case No.271 of 2019 was registered. Petitioner no.1 gave his fardbeyan on 02.08.2019 on the basis of which the case was registered on 05.08.2019. The grandfather of petitioner no.1 received grievous injury. A civil suit being Title Suit No.564 of 2018 is pending between two sides. Petitioners are agnates of the informant. From perusal of the injury report, it would appear that the informant got simple injury caused by hard and blunt



object. No injury as alleged by sharp edged weapon is found on the person of the informant. The other injured also got simple injury. Therefore, the petitioners deserve anticipatory bail.

On the other hand, learned counsel for the informant as well as learned A.P.P. vehemently opposed the prayer for anticipatory bail and submitted that 13 family members of the informant are injured. The grandfather of petitioner no.1 fell down on the tube-well and got injury but taking advantage of litigation, the petitioners got instituted Barauli P.S. Case No.271 of 2019. Therefore, the petitioners do not deserve anticipatory bail.

Perused the F.I.R. and the case-diary. Of course, the petitioners are alleged to have assaulted the informant, his brother and others with knife and iron rod but the injuries found on the persons of the informant, his brother and others are simple in nature caused by hard and blunt object. No injury on the person of the informant is found to be caused by sharp edged weapon. There is a case and counter case. The petitioners are agnates of the informant and a civil litigation is also going on between the parties. Therefore, I find that the petitioners deserve anticipatory bail.

Having considered the facts aforesaid, the petitioners,



above named, in the event of their arrest or surrender before the learned 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XIV, Gopalganj in connection with Barauli P.S. Case No.273 of 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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