

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34963 of 2020

Arising Out of PS. Case No.-192 Year-2019 Thana- CHAUSA District- Madhepura

1. AMLESH YADAV Son of Rajesh Yadav, Resident of Village - Fulout, Paschimi ward no. 01, P.S.- Chousa, Dist.- Madhepura.
2. Arun Yadav Son of Nageshwar Yadav, Resident of Village - Fulout, Paschimi ward no. 01, P.S.- Chousa, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Adv.

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-03-2021 Heard both sides.

Learned counsel for the petitioners submits that petitioner no.1, namely, Amlesh Yadav has already been arrested and, therefore, he seeks permission to withdraw the anticipatory bail petition filed on behalf of petitioner no.1.

Prayer is allowed.

The anticipatory bail petition filed on behalf of petitioner no.1, namely, Amlesh Yadav is dismissed as withdrawn.

Petitioner no.2, namely, Arun Yadav apprehends his arrest in Chousa (Fulout) P.S. Case No.192 of 2019 registered under Sections 147, 341, 323, 307, 448, 380 and 504 of the



Indian Penal Code and under Section 27 of the Arms Act.

The informant named 11 persons in the F.I.R. and alleged that they all having armed with different weapons came on the plot on which the informant was repairing his hut. The accused persons asked the reason from his son Ashutosh Kumar for repairing the hut. Ashutosh Kumar disclosed that since the hut is in dilapidated condition that is why he was repairing the hut. On such, the accused persons assaulted the son of the informant with fists and slaps and wooden stick. Amlesh Yadav (petitioner no.1) assaulted Ashutosh Kumar with iron rod on his head. The son of the informant got head injury. Arun Kumar (petitioner no.2) is alleged to have assaulted the son of the informant with khanti on his chest and leg.

Learned counsel for the petitioner submitted that the son of the informant got only one injury on his head which is attributed to Amlesh Yadav (petitioner no.1). The injury is opined to be grievous in nature. Amlesh Yadav (petitioner no.1) has already been arrested. No other injury was found on the person of the informant.

Having considered the submissions and on perusal of the record, it appears that the occurrence took place due to land dispute and the son of the informant got one injury on his head



which is attributed to Amlesh Yadav (petitioner no.1). The petitioner no.2 (Arun Yadav) is said to have assaulted the son of the informant with khanti on his chest and leg but no injury was found on the chest and the leg of the son of the informant.

Taking into consideration the facts aforesaid, petitioner no.2, namely, Arun Yadav in the event of his 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, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Uda Kishunganj, Madhepura in connection with Chousa (Fulout) P.S. Case No.192 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--

