

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39457 of 2020

Arising Out of PS. Case No.-168 Year-2020 Thana- GHOSI District- Jehanabad

1. Amaresh Yadav @ Amresh Prasad, son of Late Baran Yadav, Resident of Vill.- Mandai, P.S. - Ghosi (Okari), Distt. - Jehanabad.
2. Raju Yadav, son of Ameshwar Yadav, Resident of Vill.- Mandai, P.S. - Ghosi (Okari), Distt. - Jehanabad.
3. Bhokan Yadav, son of Ameshwar Yadav, Resident of Vill.- Mandai, P.S. - Ghosi (Okari), Distt. - Jehanabad.
4. Madheshwar Yadav @ Madheshar Prasad, son of Lallu Yadav, Resident of Vill.- Mandai, P.S. - Ghosi (Okari), Distt. - Jehanabad.
5. Deepak Yadav, son of Maheshwar Yadav @ Madheshar Prasad, Resident of Vill.- Mandai, P.S. - Ghosi (Okari), Distt. - Jehanabad.
6. Babita Devi, wife of Madheshwar Yadav @ Madheshar Prasad, Resident of Vill.- Mandai, P.S. - Ghosi (Okari), Distt. - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 15-07-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks of starting of the Court proceeding in physical mode in normal course.

Learned counsel for the petitioners seeks permission to withdraw this application, as petitioner nos. 1 and 2, namely, Amresh Yadav @ Amresh Prasad and Raju Yadav, have been arrested by the police.



Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner nos. 1 and 2.

Heard learned counsel for the petitioner nos. 3, 4, 5 and 6, namely, Bhokan Yadav, Madheshwar Yadav @ Madheshwar Prasad, Deepak Yadav and Babita Devi and the learned A.P.P. for the State through Video Conferencing.

The petitioner nos. 3, 4, 5 and 6, namely, Bhokan Yadav, Madheshwar Yadav @ Madheshwar Prasad, Deepak Yadav and Babita Devi apprehend their arrest in connection with Ghosi (Okari O.P.) P.S. Case No. 168 of 2020, registered under Sections 341, 323, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that Amreshwar Prasad, nephew of the informant, Dhananhay Kumar, started to construct the house over his land, on which, informant along with his brother, Sanjay Yadav, reached there and made protest saying to construct the house after partition of the land. Thereafter, Amresh Yadav and Raju Yadav started to cause assault then informant and his brother, Sanjay Yadav started to flee away towards his house but both were chased by Bhokan Yadav (petitioner no.3), Madheshwar Yadav (petitioner no.4), Deepak



Yadav (petitioner no.5) and Babita Devi (petitioner no.6) variously armed with weapons and started to cause assault to him, his brother Sanjay Yadav and his wife Pratima Devi and they also snatched ear ring of his wife, Pratima Devi.

Learned counsel for the petitioner nos. 3, 4, 5 and 6, namely, Bhokan Yadav, Madheshwar Yadav @ Madheshwar Prasad, Deepak Yadav and Babita Devi, submits that due to land dispute scuffle took place, in which, informant, his brother and wife sustained injury. Further submission is that the injuries, as found on the person of the informant and wife, are simple in nature whereas two injuries, as found on the person of brother of the informant, which are swelling and pain of little finger of left palm, is of grievous in nature whereas other injury is simple in nature. Further submission is that petitioner nos. 3, 4, 5 and 6, namely, Bhokan Yadav, Madheshwar Yadav @ Madheshwar Prasad, Deepak Yadav and Babita Devi have no criminal antecedent.

Having regard to the facts and circumstances of the case, let petitioner nos. 3, 4, 5 and 6, namely, Bhokan Yadav, Madheshwar Yadav @ Madheshwar Prasad, Deepak Yadav and Babita Devi, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six



weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad, in connection with Ghosi (Okari O.P.) P.S. Case No. 168 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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