

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38376 of 2020

Arising Out of PS. Case No.-73 Year-2020 Thana- RAFIGANJ District- Aurangabad

1. Kuldeep Yadav, Son of Fagu Yadav Resident of Village-Bhallu Khaira, P.S.-Rafiganj, District-Aurangabad.
2. Ramdeyal Yadav @ Ramdayal Yadav @ Ram Dayal Kumar, Son of Dinesh Yadav, Resident of Village-Bhallu Khaira, P.S.-Rafiganj, District-Aurangabad.
3. Umesh Yadav, Son of Ramdeo Yadav @ Ramdeo Saw, Resident of Village-Bhallu Khaira, P.S.-Rafiganj, District-Aurangabad.
4. Shankar Yadav, Son of Yamuna Yadav, Resident of Village-Bhallu Khaira, P.S.-Rafiganj, District-Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate.

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 08-07-2021 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 appearing for the petitioners seeks permission to withdraw this application, as petitioner nos. 1, 2 and 3, namely, Kuldeep Yadav, Ramdeyal Yadav and Umesh Yadav have been apprehended by the police.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn



with respect to petitioner nos. 1, 2 and 3.

Heard learned counsel for the petitioner no.4, namely, Shankar Yadeav, and the learned A.P.P. for the State.

The petitioner no. 4, namely, Shankar Yadav, apprehends his arrest in connection with Rafiganj P.S. Case No. 73 of 2020, registered under Sections 307, 324, 323, 341, 504, 448 and 379/34 of the Indian Penal Code.

The accusation is that in the noon of 15.04.2020, Ganeshi Yadav and Umesh Yadav (petitioner no. 3) started to construct the wall on the land of informant, Kailash Yadav. When the informant made protest then Ganeshi Yadav and Umesh Yadav (petitioner no.3) started to cause assault to him, on which, Jitendra Kumar and Chhotu Kumar, relatives of informant, rushed to save then they were also assaulted by Kamlesh Yadav, Sudani Yadav and Ramesh Yadav through lathi, stick and fasuli. When his wife, Kaushila Devi reached there then Ramdeo Yadav caused injury at her head through lathi. At that time, Pintu Yadav, Arvind Kumar, Ramdayal Yadav (petitioner no.2), Kuldeep Yadav and Shankar Yadav (petitioner no.4) started to damage the door and window of his house and caused injury through lathi and stick. On preceding date also, they also caused assault due to land dispute.

Learned counsel for the petitioner no. 4, Shankar Yadav, submits that due to land dispute occurrence of Marpit took place, in which, petitioners' side also sustained injury, regarding which,



Rafiganj P.S. Case No. 72 of 2020 is also instituted against the informant and others on the basis of Fradbeyan of co-accused, Ganesh Yadav. Moreover, the injuries, as found on the person of informant, Chotu Kumar and Jitendra Kumar, are simple in nature, except injury no. 3, i.e., swelling right shoulder, regarding which, opinion has been kept reserved. Further submission is that while petitioner no. 4 is named in the FIR but no specific overt act has been attributed against him. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner no. 4, Shankar Yadav, be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad, in connection with Rafiganj P.S. Case No. 73 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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