

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26578 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- KAKO District- Jehanabad

1. Deeplal Yadav @ Satyendra Yadav @ Satyendra Kumar @ Deepak Kumar Son of Late Mosafir Yadav Resident of Village- Barhara, Police Station- Kako in the district of Jehanabad
2. Bijendra Yadav @ Bijendra Prasad Son of Late Mosafir Yadav Resident of Village- Barhara, Police Station- Kako in the district of Jehanabad
3. Nepali Kumar @ Ranjeet Kumar Son of Bijendra yadav Resident of Village- Barhara, Police Station- Kako in the district of Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-09-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Kako P.S. Case No. 291 of 2023 dated 23.08.2023 registered under Sections 341, 323, 147, 325, 307, 324, 452 of the I.P.C.

3. As per the prosecution case on 23.08.2023 the petitioners along with other accused persons armed with pistol, “garasa”, iron rod and “khanti” entered into the house of the informant. The petitioner no. 1 assaulted the informant by means of “Khanti” on his hand. The petitioner no. 2 assaulted the informant with iron rod and the petitioner no. 3 also assaulted the informant.



4. Learned counsel for the petitioners submits that the assault attributed to the petitioner no. 1 has caused injury to the informant on his left hand. The assault made by the petitioner nos. 2 & 3 have not caused any serious injury on the body. The doctor has opined the injury caused to the informant due to assault made by the petitioner no. 1 on his hand as grievous and insofar as one injury caused to the informant due to assault made by the petitioner nos. 2 & 3 as simple in nature. Both the parties are agnates and next door neighbours having dispute regarding drainage. Counter case has also been lodged by the side of the petitioners bearing Kako P.S. Case No. 295 / 2023. The injury caused to the informant on his hand is not vital part of the body. The injury caused to him on his head is not attributed to the petitioners and the same has been caused allegedly by the co-accused / Arvind Kumar which has been opined as grievous.

5. Regard being had to the submission made by the parties, taking into consideration the fact that both the parties are co-sharers / agnates, there is dispute regarding drainage, case and counter case is also there, injury caused to the informant by the petitioner no. 1 is on the non vital part of the body, I am inclined to grant anticipatory bail to the petitioners.



6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Jehanabad in connection with Kako P.S. Case No. 291 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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