

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3280 of 2015

Arising Out of PS.Case No. -249 Year- 2014 Thana -SABAUR District- BHAGALPUR

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1. Ratan Yadav Son of Manni Yadav
2. Tinku Yadav Son of Uttam Yadav
3. Chalu Yadav@Rabindra Kumar@Chalu Kumar Son of Uttam Yadav
4. Chotu Yadav@Vishal Kumar Son of Prem Yadav
5. Kishore Yadav Son of Manni Yadav
6. Raju Yadav Son of Prem Yadav
7. Mithun Kumar Yadav@Mithun Yadav Son of Parmeshwar Yadav All are
Resident of vill-Industrial Area,P.S-Barari,Distt.-Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Madhuranand Jha (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-03-2015 Heard both sides.

The petitioners apprehend their arrest in Sabour P.S.
Case No. 249 of 2014, registered for the offences punishable
under Section 307 and other Sections of the Indian Penal Code.

The informant named eight persons and alleged that
they all came to his petrol pump for committing dacoity. Raju
Yadav, Ratan Yadav and Chotu Yadav are alleged to have
assaulted the informant and alleged to have taken away Rs.
2,50,000/- from the petrol pump of the informant.

Learned counsel for the petitioners submits that the
petitioners are innocent. There is no specific allegation of assault

against the other petitioners except Ratan Yadav petitioner no. 1, Chotu Yadav petitioner no. 4 and Raju Yadav petitioner no. 6. During the course of investigation, the supervising authority found the allegation of theft doubtful.

On perusal of records, it appears that the informant named eight persons in the FIR, but specific allegation of assault is made against Ratan Yadav petitioner no. 1, Chotu Yadav petitioner no. 4 and Raju Yadav petitioner no. 6. No specific allegation is made against other petitioners.

Considering the facts aforesaid the petitioner no. 2 Tinku Yadav, petitioner no. 3 Chalu Yadav @ Rabindra Kumar @ Chalu Kumar, petitioner no. 5 Kishore Yadav and petitioner no. 7 Mithun Kumar Yadav @ Mithun Yadav, in the event of their arrest or surrender before the 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 bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Md. Salim, the learned Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 249 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as the case of Ratan Yadav petitioner no. 1,

Chotu Yadav petitioner no. 4 and Raju Yadav petitioner no. 6 is concerned, there is very specific allegation against them that they assaulted the informant and corresponding injuries are found, hence, I am not inclined to enlarge the petitioners above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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