

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28774 of 2015

Arising out of PS.Case No. -167 Year- 2015 Thana -BARAUNI District- BEGUSARAI

1. Gouri Shankar Yadav, S/o Late Ram Swaroop Yadav.
2. Radhe Shyam Yadav, S/o Gouri Shankar Yadav.
3. Raja Ram Yadav @ Raja Yadav, S/o Gouri Shankar Yadav. All are residents of village - Bariyahi, P.S. - Barauni (Chakiya O.P.), District - Begusarai.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioners : Mr. Binod Kumar, Advocate.

For the Opposite Party : Mr. Shyam Bihari Singh(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-07-2015 The petitioners are apprehending their arrest in connection with Barauni (Chakia O.P.) P.S. Case No. 167 of 2015 for the offences instituted under Sections 341, 323, 307 and 504/34 of the IPC.

Heard learned counsel for the petitioners and learned counsel for the State.

The prosecution story, in brief, is that on 09.05.2015 the informant was constructing latrine. At 5.30 in the evening, his cousin brother, Gauri Shankar Yadav, Radhey Shyam Yadav and Raja Yadav came armed with Khanti, Lathi, bricks and obstructed in construction of wall, abused. On protest, Radhey Shyam Yadav

hit with Khanti with intention to kill on the head of the informant's elder brother, Awadhesh Yadav, due to which, his head was fractured. When the informant's Bhatiza, Navneet Kumar went to save, Raja Yadav hit on his head with Lathi with intention to kill. When the informant's Bhabhi, Urmila, went to save, Shankar Yadav injured her with bricks.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It has further been submitted that the petitioners have falsely been implicated in the present case. It is further submitted that there is no allegation against petitioner no. 1.

On behalf of the State it has been submitted that there is specific allegation of assault against petitioner nos. 2 and 3.

Considering the aforesaid facts and circumstances, let the petitioner no. 1 Gouri 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 in connection with Barauni (Chakia O.P.) P.S. Case No. 167 of 2015 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

As far as petitioner nos. 2 and 3, Radhe Shyam Yadav and Raja Ram Yadav @Raja Yadav are concerned, I am not inclined to grant anticipatory bail to them. Anyhow, if they surrender in the court below within a period of four weeks the same shall be considered on its own merit without being prejudiced by this order preferably on the same day.

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(Sudhir Singh, J)