

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56601 of 2015

Arising Out of PS.Case No. -181 Year- 2014 Thana -SINGHIYA District- SAMASTIPUR

1. Nitish Kumar @ Neeteesh Yadav Son of Mahesh Yadav, Resident of village- Kavilashi, Police Station- Singhia, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Shailendra Kumar-I(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2015 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379 and 504 of the Indian Penal Code.

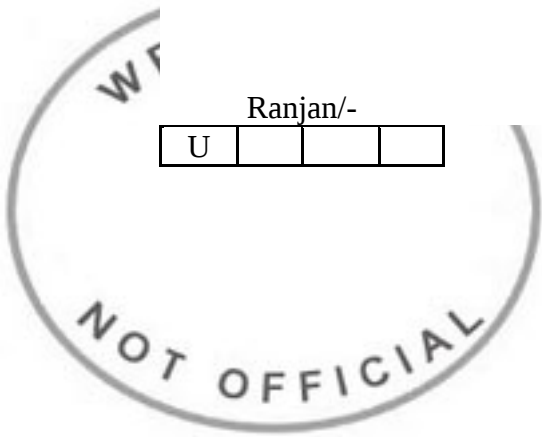
The prosecution case is that 13 accused persons including the petitioner surrounded the informant and co-accused Ranjeet Yadav assaulted the informant with Hockey stick and co-accused Umesh Yadav assaulted Baijnath Yadav with Farsa. On alarm being raised Mahesh Yadav, Umesh Yadav, Babloo Yadav, Arun Yadav, Dinesh Yadav came to rescue the informant then Umesh Yadav assaulted with Farsa and Ganeshi Yadav assaulted with iron rod to Mahesh Yadav and subsequently, Mahesh Yadav succumbed to his injuries. Gayanand Yadav, Fuchhi Yadav,

Mukesh Yadav and Nitish Yadav(petitioner) assaulted with iron rod to Dinesh Yadav and Umesh Yadav. It is also alleged that co-accused Ranjeet Yadav snatched mobile.

It is submitted by learned counsel for the petitioner that there is no specific accusation of assault to the victim deceased against the petitioner. The accusation against the petitioner and others is to have assaulted Dinesh Yadav and Umesh Yadav, whose injuries have been found to be simple in nature. There is counter version of the occurrence also. Title suit is also pending between the parties from before and similarly situated accused persons have been granted anticipatory bail by a co-ordinate bench of this Court vide Criminal Miscellaneous Nos. 11359 of 2015, 17459 of 2015 and 19070 of 2015. A statement has been made in paragraph no. 3 that the petitioner has got no criminal antecedent.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 Sub Divisional Judicial Magistrate, Rosera, Samastipur in connection with Singhia P.S. Case No. 181 of 2014, subject to the conditions as laid down under Section

438(2) Cr.P.C.



(Dinesh Kumar Singh, J)