

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47705 of 2014

Arising Out of PS.Case No. -76 Year- 2014 Thana -MUNGER MUFFASIL District- MUNGER

- =====
1. Nandan Yadav Son of Late Polo Yadav
 2. Manoj Yadav Son of Singho Yadav
 3. Saheb Yadav @ Pintu Yadav son of Late Phulinchand Yadav
 4. Mantu Yadav Son of Late Phulinchand Yadav
 5. Guddu Yadav Son of Singho Yadav

All are Resident of village- Tikrampur, Adarsh Gram, P.S.- Muffassil,
District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3. 30-04-2015 Heard Mr. Ambika Bhagat, learned counsel for
the petitioners and learned A.P.P. for the State.

The petitioners apprehend arrest in
connection with Muffasil P.S. Case No. 76 of 2014 dated
24.04.2014 instituted under Sections 341/323/337/379/
325/307/447/504/34 of the Indian Penal Code.

As per the allegation, the petitioners along with
six others are said to have assaulted the informant and his
family members with Iron rod, stick and brick-bats causing
injuries.

Learned counsel for the petitioners submits
that as per the F.I.R. itself, the genesis is fight between the
children resulting in adults getting involved and there being
scuffle. It is submitted that except for Jurain Yadav, there is

no specific overt act alleged to any of the petitioners and at best whatever happened was on the spur of the moment without any pre-mediation. It is further submitted that the petitioners have no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that in view of the fact that five persons have received injuries on the head and the specific allegation of blow on head by Jurain Yadav, is only with regard to hitting the son of the informant but with regard to the other four who have also received injury on the head, the allegation is that all the accused including the petitioners had assaulted.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioners on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioners surrender and pray for regular bail before the Court below, the same shall be considered on its own merits in accordance with law without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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