

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.50116 of 2015**

Arising Out of PS.Case No. -176 Year- 2015 Thana -MUFFASIL District- AURANGABAD

- =====
1. Krishna Yadav S/o Nanhak Yadav
  2. Manoj Yadav
  3. Sanoj Yadav
  4. Sanjay Yadav all 2 to 4 are S/O Krishna Yadav
  5. Tuntun Yadav S/o Nandu Yadav
  6. Dharmendra Yadav
  7. Harendra Yadav
  8. Bijendra Yadav all 6 to 8 are S/O Late Mohan Yadav All R/o Village - Pakaha, P.S. - Muffasil, District - Aurangabad (Bihar).

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Opposite Party/s : Mr. Smt. Anita Kumari Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

4 14-12-2015

Heard both sides.

Prayer for anticipatory bail of petitioner no. 4 Sanjay Yadav and petitioner no. 8 Bijendra Yadav has already been withdrawn by order dated 26.11.2015.

Rest of the petitioners apprehend arrest in a case registered for the offences punishable under sections 307, 379 and other allied sections of the Indian Penal Code.

Petitioners are alleged to have assaulted the informant, Yogendra Yadav and Mukhtar Yadav. The informant alleged that Manoj Yadav assaulted him with Khanti on his head.

When Mukhtar Yadav and his nephew Yogendra Yadav came to rescue him, Dharmendra Yadav and Vijay Yadav assaulted Mukhtar Yadav and caused fracture injury in his hands and leg.

It is submitted that there is case and counter case. Injuries found on the person of Sikandar Yadav and Yogendra Yadav are simple in nature. Mukhtar Yadav got three injuries. Assailants of Mukhtar Yadav are Dharmendra Yadav, petitioner no. 6 and Vijay Yadav, who is not petitioner here.

Considering the fact that there is specific allegation of assault against petitioner no. 6 Dharmendra Yadav causing grievous injury on the hand and other parts of Mukhtar Yadav, I am not inclined to grant the privilege of anticipatory bail to him. His prayer for anticipatory bail is rejected.

So far as petitioner nos. 1,2,3,5 and 7, namely, Krishna Yadav, Manoj Yadav, Sanoj Yadav, Tuntun Yadav and Harendra Yadav are concerned, there is omnibus and general allegation against them. The injuries found on the person of the injured are simple in nature. They, in the event of arrest or surrender in the court below within four weeks from the date of receipt/production of a copy of this order, shall 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

learned Judicial Magistrate, 1<sup>st</sup> Class, Aurangabad in connection with Aurangabad (Mufassil) P.S. Case No. 176 of 2015 subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973.

**(Prabhat Kumar Jha, J)**

Amin/-

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