

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6783 of 2015

Arising Out of PS.Case No. -46 Year- 2013 Thana -PALANWA District- EAST CHAMPARAN
(MOTIHARI)

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1. Vishal Yadav Son of Rameshwar Yadav
2. Nagina Devi Wife of Yogendra Yadav
3. Nagiya Devi Wife of Nagendra Yadav
All resident of Village - Saunaha, P.S. - Palanwa, District - East Champaran
at Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate.

For the Opposite Party/s : Mr. A.M.P. Mehta (APP)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 19-02-2015

Heard both sides.

The petitioners, three in number, apprehend their arrest in a case registered under Section 302 and other sections of the Indian Penal Code.

The informant alleged that on account of grazing by she-buffalo, the occurrence took place. Sunil Yadav, Rameshwar Yadav and Yogendra Yadav assaulted the father of the informant with iron rod and lathi. It is further alleged that when Brij Kishore Yadav came to save Raj Kishore Yadav, co-accused Anil Yadav, Vishal Yadav (petitioner no. 1) and Rameshwar Yadav came and assaulted the informant and his brother. Thereafter, the family members of the accused are alleged to have pelted stones.

Learned counsel for the petitioners submits that Sunil Yadav, Rameshwar Yadav and Yogendra Yadav are alleged to have assaulted the father of the informant, who died in course of treatment. Petitioner no. 1 Vishal Yadav is alleged to have assaulted the informant and his brother, but the injuries found on the person of the informant and his brother are simple in nature.

It is further submitted that other accused persons, Yogendra Yadav and Sunil Yadav have already been granted regular bail vide order passed in Cr. Misc. No. 1218/2014 and Cr. Misc. No. 13913/2014.

Considering the facts that a specific allegation is made against Vishal Yadav and others that they assaulted the informant and his brother after the assault made on the father of the informant by Sunil Yadav, Rameshwar Yadav and Yogendra Yadav, I am not inclined to enlarge the petitioner no. 1 Vishal Yadav on anticipatory bail in Palanwa P.S. Case No. 46/2013. Accordingly, the same is rejected.

So far as the case of petitioners no. 2 and 3, Nagina Devi and Nagiya Devi are concerned, they are ladies and there is omnibus and general allegation against them that they pelted stones, but it is nowhere stated that the stones hit anybody. There is counter-versions also.

Considering the facts aforesaid, the above named petitioners no. 2 and 3, in the event of their arrest or surrender before the learned 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 bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Kamla Prasad, Judicial Magistrate, 1st Class, Raxaul at Motihari, East Champaran in Palanwa P.S. Case No. 46/2013 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Dilip/-

(Prabhat Kumar Jha, J)

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