

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8853 of 2015

Arising Out of PS.Case No. -38 Year- 2013 Thana -NIRMALI District- SUPAUL

- =====
1. Indrajeet Yadav son of Balram Yadav
 2. Sanjay Yadav @ Sanjay Kr.Yadav son of Chander Yadav
 3. Ranjay Yadav son of Chander Yadav All are residents of village - Bela Singar Moti, Tola - Math, P.S. - Nirmali, District - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Amrendra Prasad (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-03-2015 Heard both sides.

The petitioners apprehend their arrest in Nirmali P.S.
Case No. 38 of 2013, registered for the offences punishable under
Sections 323, 307 and other Sections of the Indian Penal Code.

The informant named ten persons and made allegation
of assault and theft of different articles.

Learned counsel for the petitioners submits that the
petitioners are of course named in the FIR, but there is no
allegation of assault against Indrajeet Yadav and Sanjay Yadav @
Sanjay Kumar Yadav petitioner nos. 1 and 2. Ranjay Yadav
petitioner no. 3 is alleged to have assaulted the informant on right
leg. It is further submitted that the police after investigation did

not find the case true against the petitioners and submitted the final form, but the learned court below took cognizance against the petitioners.

Considering the facts aforesaid and the fact that there is no specific allegation of assault against petitioner nos. 1 and 2 Indrajeet Yadav and Sanjay Yadav @ Sanjay Kumar Yadav and Ranjay Yadav petitioner no. 3 is only alleged to have assaulted with lathi that too on the right leg and police found the case false against the petitioners, they, in the event of their arrest or surrender before the 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 bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Asutosh Rai, the learned Judicial Magistrate, Birpur (Supaul) in connection with Nirmali P.S. Case No. 38 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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