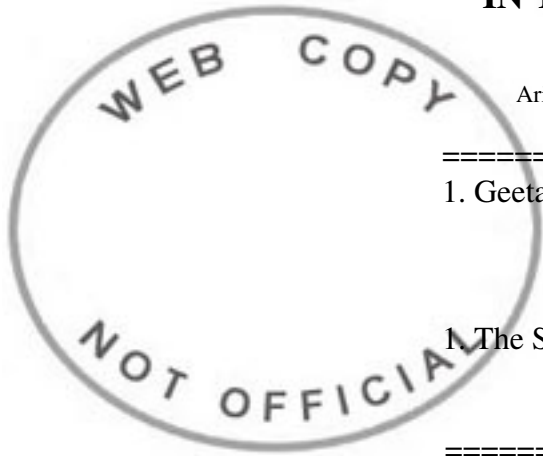




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1810 of 2015

Arising Out of PS.Case No. -314 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

=====

1. Geeta Devi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.2789 of 2015

Arising Out of PS.Case No. -314 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

=====

1. Ram Sevak Yadav
2. Jai Prakash Yadav
3. Phul Babu Yadav.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.6881 of 2015

Arising Out of PS.Case No. -341 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

=====

1. Lalit Yadav
2. Laxmi Yadav,
3. Sudhir Yadav.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

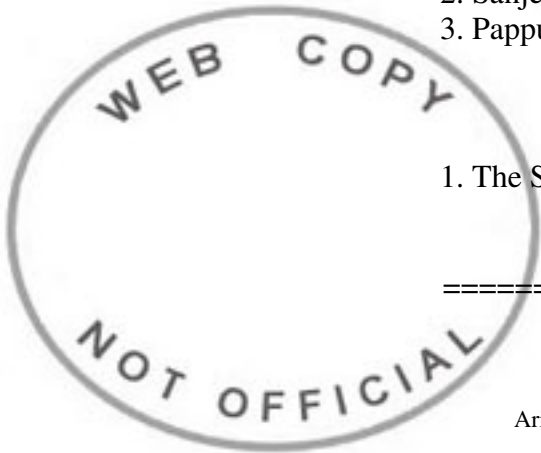
with

Criminal Miscellaneous No.8611 of 2015

Arising Out of PS.Case No. -314 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

=====

1. Lalo Yadav



2. Sanjeet Yadav @ Ranjeet Yadav
3. Pappu Yadav,

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.9018 of 2015

Arising Out of PS.Case No. -314 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

=====

1. Hukumdeo Yadav
2. Ram Chandra Yadav
3. Babloo Yadav @ Bablu Yadav

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.7859 of 2015

Arising Out of PS.Case No. -314 Year- 2014 Thana -DARBHANGA SADAR District-
DARBHANGA

=====

1. Rajendra Yadav.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

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Appearance :

(In Cr.Misc. No.1810 of 2015)

For the Petitioner/s : Mr. Girish Chandra Jha

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

(In Cr.Misc. No.2789 of 2015)

For the Petitioner/s : Mr. Girish Chandra Jha

For the Opposite Party/s : Mr. Rajendra Singh Shastri Jee(App)

(In Cr.Misc. No.6881 of 2015)

For the Petitioner/s : Mr. Saroj Kumar

For the Opposite Party/s : Mr. Arun Kumar (App)

(In Cr.Misc. No.8611 of 2015)

For the Petitioner/s : Mr. Saroj Kumar
For the Opposite Party/s : Mr. Parmeshwar Mehta(App)
(In Cr.Misc. No.9018 of 2015)
For the Petitioner/s : Mr. Saroj Kumar
For the Opposite Party/s : Mr. Parmeshwar Mehta(App)
(In Cr.Misc. No.7859 of 2015)
For the Petitioner/s : Mr. Saroj Kumar
For the Opposite Party/s : Mr. Arun Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

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24-03-2015

Petitioners have preferred the applications vide Cr.

Misc. Nos. 1810 of 2015, 2789 of 2015 and 7859 of 2015 with a prayer for anticipatory bail and vide Cr. Misc. Nos. 9018 of 2015, 8611 of 2015 and 6881 of 2015, petitioners have preferred the applications with a prayer for regular bail in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the IPC.

It is alleged that in protest for getting the plants grazed by the animals of Bablu Yadav, Ram Babu Yadav slapped Bablu Yadav and consequently, Bablu Yadav informed his family members then accused persons came variously armed and assaulted Ram Babu Yadav, the father of the informant when the two uncles of the informant namely Vishwanath Yadav and Ramnath Yadav came to rescue they were also assaulted with sword and farsa. Subsequently, Ram Babu Yadav succumbed to the injuries.



It is submitted by learned counsels for the petitioners that the accusation of assault is omnibus and general against 16 persons. Ram Babu Yadav (deceased) received only two injuries. One is simple in nature whereas the injury on the right parietal region has been found to be grievous. One of the injured Ramnath Yadav received grievous injury as his arm got fractured. There is counter version of the occurrence also when petitioners' side also received injuries and the accusation has been levelled in the background of serious land dispute.

It is submitted by learned counsels for the informant and State that the statements of injured uncles of the informant namely Vishwanath Yadav and Ram Nath Yadav who claimed to be the eye-witnesses of entire occurrence, have been recorded in para 75 and 76 of the case diary. Vishwanath Yadav (one of the injured) has stated that Rajendra Yadav assaulted with axe on the head of Rambabu Yadav causing cut injury to him whereas Ranjeet Yadav assaulted with sword, thereafter all accused assaulted Rambabu Yadav when Vishwanath went to rescue Rambabu then Ranjit assaulted him with sword and Rajendra assaulted him with axe. Ram Sewak assaulted with farsa on the head, Bablu Yadav caused injury with spade. The



other injured Ram Nath Yadav stated that Jai Prakash Yadav assaulted him with iron rod causing fracture injury, Ram Sewak Yadav assaulted him with farsa on the head. The other eye-witness Nono Yadav's statement has been recorded in para 31 of the case diary where he has stated that seven accused persons assaulted the victim Ram Babu Yadav.

Considering the specific accusation against Ram Sevak Yadav, Jai Prakash Yadav (Cr. Misc. No. 2789 of 2015), Sanjeet Yadav @ Ranjeet Yadav (Cr. Misc. No. 8611 of 2015) and Rajendra Yadav (Cr. Misc. No. 7859 of 2015), this Court is not inclined to grant them anticipatory/regular bail.

Accordingly, their prayer for anticipatory/regular bail applications is rejected.

So far as other petitioners Geeta Devi (Cr. Misc. No. 1810 of 2015), Fhul Babu Yadav (Cr. Misc. No. 2789 of 2015) are concerned, since the accusation against them is omnibus and general and there is counter version of the occurrence also, let them be released on anticipatory bail in the event of arrest/surrender before the learned court below within a period of twelve weeks from today on furnishing bail bonds of ₹10,000/-(ten thousand) each with two sureties of like amount

each to the satisfaction of learned CJM, Darbhanga in connection with Sadar P.S. Case No. 314 of 2014, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Let the petitioners Lalit Yadav, Laxmi Yadav, Sudhir Yadav (Cr. Misc. No. 6881 of 2015), Lalo Yadav, Papu Yadav (Cr. Misc. No. 8611 of 2015), Hukumdeo Yadav, Ram Chandra Yadav and Babloo Yadav @ Bablu Yadav (Cr. Misc. No. 9018 of 2015) be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Darbhanga in connection with Sadar P.S. Case No. 314 of 2014.

(Dinesh Kumar Singh, J)

Amrendra/-

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