

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7638 of 2015

Arising Out of PS.Case No. -276 Year- 2014 Thana -BARACHATTI District- GAYA

1. Badho Yadav, son of Late Penal Yadav
2. Birju Yadav, Son of Late Sohar Yadav
3. Muneshwar Yadav, Son of Nanhak Yadav
4. Sukhdev Yadav, Son of late lalan Yadav
All resident of Mohalla-Sindhugarh, P.S.- Mohanpur, (Barachatty) District-
Gaya) Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Gopesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 12-08-2015 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek anticipatory bail in connection
with Barachatty (Mohanpur) P.S. Case No. 276 of 2014
registered under Sections 147, 148, 149, 307, 386, 504 and 379
of the Indian Penal Code.

It is contended that petitioner no. 4 Sukhdeo Yadav
has already been arrested by the police.

In that view of the matter, the application for
anticipatory bail of the Sukhdeo Yadav is disposed of as
infructuous.

So far as the petitioner no. 1 to 3 are concerned, it has been stated that though there is allegation against altogether seven persons to have caused injuries to the informant of the case, the injury report would make it evident that only two injuries were found on the person of Nagendra Yadav.

It has been further contended that the specific allegation of assault by iron rod on the head of the informant is made against co-accused Muneshwar Yadav, son of Pitambar Yadav, whereas petitioner no. 3 Muneshwar Yadav is son of one Nanhak Yadav and against him, there is allegation that he caused injury on the neck of the informant. He submits that the injury report of the informant would make it evident that the injured Nagendra Yadav had sustained no injury on his neck. The two injuries found on the person of Nagendra Yadav were on his right eye-brow and right shoulder. He submits that from the allegations made in the FIR and the nature of injury sustained by the informant, it would be evident that ingredients of the offence under Sections 307 and 386 of the Indian Penal Code would not be attracted. Lastly, he submits that there is counter case also in which the members of the prosecution party have been made accused.

Learned counsel for the State has opposed the prayer

for bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender within a period of four weeks from today, the petitioners, (i) Badho Yadav, (ii) Birju Yadav and (iii) Muneshwar Yadav are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Sherghatty, Gaya in connection with Barachartty (Mohanpur) P.S. Case No. 276 of 2014 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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