

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38979 of 2015

Arising Out of PS.Case No. -117 Year- 2015 Thana -MASAURHI District- PATNA

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1. Sidhnath Yadav @ Sidhnath Prasad Yadav S/o Late Indradeo Prasad Yadav
2. Ranjeet Yadav S/o Late Dukh Haran Yadav
3. Papli Yadav S/o Uday Yadav All Resident of Village Nisiyawan, Police Station Masaurhi, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Subhas Singh

For the Opposite Party/s : Mr. Sadanand Paswan(Spl.App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-09-2015 Heard Sri. Ram Subhas Singh, learned counsel for the
petitioner and learned A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Masaurhi P.S. Case No. 117 of 2015, G.R. No. 419 of 2015 registered for the offences punishable under Sections 143, 341, 323, 307, 504 of the Indian Penal Code, Section 27 of the Arms Act and Section 3(1)(x) of SC/ST Act.

The prosecution case is that on 20.04.2015 at about 9.30 when informant was going to appear in examination in Girija Kuar High School, Masaurhi then some accused persons abused him by naming his caste and assaulted brutally by fists and slaps. On raising alarm, some people assembled there and saved his life.



The informant then returned back to his house and narrated the story to his family members. Informant along with his family members went to the house of accused-Manju Yadav and asked as to why he along with others committed crime, for which they got angry and petitioner no. 3 Papli Yadav fired upon his brother with bad intention but did not hit him. Other accused persons fired in air indiscriminately. On hulla villagers assembled there and then all the accused persons fled away.

It has been submitted by the learned counsel for the petitioners that the present case is a counter blast to a case filed by the petitioner bearing Masaurhi P.S. Case No. 114 of 2015 on 20.4.2015 for the offences punishable under Sections 143, 323, 504 and 379 of the Indian Penal Code and Section 27 of the Arms Act in which the informant and his family members have been made accused. It was just to counter the said allegations, this false case with baseless allegations has been filed by the informant after a delay of four days of the occurrence. It has been further submitted that the dispute between the informant and his family members and the accused persons relates to encroachment by the informant side, of public road, for which proceedings under Section 144 Cr.P.C. had been initiated. It is further been submitted by learned counsel for the petitioners that as per Para-3 of the

application, all these petitioners have no criminal antecedent.

Under such circumstances, let the petitioners namely Sidhnath Yadav @ Sidhnath Prasad Yadav, Ranjeet Yadav and Papli Yadav in the event of their arrest or surrender within a period of four weeks from today before the learned court below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Masaurhi in connection with Masaurhi P.S. Case No. 117 of 2015, G.R. No. 419 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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