

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53392 of 2015

Arising Out of PS.Case No. -483 Year- 2015 Thana -MADHEPURA District- MADHEPURA

1. Birendra Yadav S/o- Sukhdeo Yadav
2. Dhirendra Yadav S/o- Sukhdeo Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. J.N.Thakur(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-11-2015 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 448, 323, 325, 354, 307, 379, 504, 506,34 of the Indian Penal Code.

The prosecution case is that the accused persons armed with entered into the courtyard of the informant and asked about his father and brother. On protest being made petitioner no.2 (Dhirendra Yadav), assaulted the informant with butt of the gun causing head injury whereas other accused persons assaulted with 'lathi' 'danda' fists and slaps. On alarm being raised, when wife of the informant came to rescue she was caught hold by petitioner no.1(Birendra Yadav), who pushed her on the ground, as a result she became naked, thereafter, Subhash Yadav assaulted the

informant. It is further alleged that the accused persons took away a box containing cash of Rs.30,000/-, ornaments worth Rs.1,50,000/-. The accused persons also resorted to fire, as a result, brother-in-law of the informant namely Subhash Yadav received injuries.

It is submitted by learned counsel for the petitioners that for the occurrence of 16.08.2015, the FIR was registered on 26.08.2015. In fact, the informant and his associates killed cousin-brother-in-law of the petitioners namely Madhuranjan Yadav on 16.08.2015 for which Madhepura P.S. Case No.469 of 2015 was registered under section 302/34 of the Indian Penal Code and 27 of the Arms Act against the informant and his brother, hence, as a retaliatory measure the present case has been lodged. Moreover, a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the delayed lodging of the case and the case lodged by the petitioners' side at earlier point of time, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Madhepura in

connection with Madhepura (Bharrahi O.P.) P.S. Case No.483 of
2015, subject to the conditions as laid down under Section 438(2)
Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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