

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.85 of 2016

Arising Out of PS.Case No. -223 Year- 2015 Thana -BAHERI District- DARBHANGA

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1. Ajay Yadav @ Ajay Kumar Yadav
 2. Vijay Yadav @ Vijay Kumar Yadav
Both sons of Congress Yadav
 3. Nilesh Yadav @ Nilesh Kumar Yadav son of Ram Jatan Yadav
 4. Anil Yadav son of late Kishori Yadav.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-01-2016 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, 323, 504 and 307/34 of the Indian Penal Code.

The prosecution case is that son of the informant namely, Vikash Yadav, was coming to home from his school when petitioner no.1 Ajay Yadav, petitioner no.3 Nilesh Yadav and petitioner no.4 Anil Yadav assaulted him, as a result he sustained injuries on his head and fell down on the earth. Thereafter, all the accused persons assaulted him with 'lathi' and 'danda' when grand-father of the informant's son, namely, Suresh Yadav, came to rescue then petitioner no.2 Vijay Yadav assaulted

him with 'farsa' causing injury above left eye.

It is submitted by learned counsel for the petitioners that the accusation of assault to the victim is alleged by three persons when he received only one lacerated injuries on his head of marginal size caused by hard and blunt substance whereas father of the informant, Suresh Yadav, received only one sharp cut injury on left forehead just above left eyebrow of marginal size caused by sharp cut weapon, simple in nature, hence, accusation of assault by all the persons to the son of the informant does not get corroborated with the medical opinion.

So far as accusation against petitioner no.2 Vijay Yadav is concerned, he has caused simple injuries to the father of the informant and there is no accusation of repeating blow. There is counter version of the occurrence also. Moreover, for the occurrence of 21.10.2015 at 9.00 am, the FIR was registered on 21.10.2015 at 19.15 pm. it reached to the Court of learned ACJM on 29.10.2015, which suggests that the FIR was registered with antedating.

Considering the accusation being omnibus and general against petitioner nos.1, 3 and 4, let them 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, Darbhanga in connection with Baheri P.S. Case No.223/2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

So far as petitioner no.2 is concerned, considering the nature of accusation and the injury caused by him, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of petitioner no.2, if he surrenders within a period of six weeks in connection with Baheri P.S. Case No.223/2015, pending before the learned CJM, Darbhanga.

With the above observation, this application so far as it relates to petitioner no.2 is accordingly, disposed off.

Ashwini/-

(Dinesh Kumar Singh, J)

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