

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28274 of 2016

Arising Out of PS.Case No. -129 Year- 2016 Thana -BIHIYA District- BHOJPUR

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1. Tejnarayan Yadav S/o - Late Dhanik Yadav
 2. Binod Ojha @ Munna Bhaiya Ojha @ Bhaiya Munna Ojha S/o Ramanuj Ojha
 3. Vijay Ojha S/o Ramanuj Ojha
 4. Sanjay Yadav S/o late Lalan Yadav
 5. Ashok Yadav S/o Late Lalan Yadav All residents of village - Jamua, P.S. - Behea, District - Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Mr. Sri Nirmal Kumar Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-07-2016 It is submitted by learned counsel for the petitioners that petitioner No.4, Sanjay Yadav, has already been arrested and his application for anticipatory bail has become infructuous.

This application for anticipatory bail with regard to petitioner No.4 is, accordingly, dismissed as has become infructuous.

Heard learned counsels for the petitioners, informant and the State.

The petitioners No.1, Tejnarayan Yadav, 2. Binod Ojha @ Munna Bhaiya Ojha @ Bhaiya Munna Ojha, 3. Vihay Ojha and 5. Ashok Yadav are apprehending arrest in a case registered for

the offences punishable under Sections 341, 323, 324, 379, 504, 506/34 of the Indian Penal Code.

The prosecution case is that on 30.04.2016 at 7 P.M. when the informant reached at Bihiya market for purchasing vegetables, in the meantime, the accused persons including the petitioners armed with iron rod and country made pistol surrounded the informant and assaulted him causing fracture injury on his head and when Sriman Yadav and Baliram Yadav came to rescue the accused persons flee away. It is further alleged that when informant's father, Sri Ram Pandey, and uncle, Shivnath Pandey, after receiving information, started from their house for getting the informant treated then Tej Narayan Yadav, Sanjay Yadav and Ashok Yadav and eight unknown surrounded them, armed with Farsa and country made pistol. Tej Narayan Yadav assaulted the uncle of informant with Pasuli on his neck and snatched Rs. 8000/- from his pocket and when father of informant came to rescue accused Sanjay Yadav, and Ashok Yadav, assaulted him on his shoulder and head. On alarm being raised, the accused persons flee away.

It is submitted by the learned counsel for the petitioners that the injuries are simple in nature. It is further submitted that for the occurrence of 30.04.2016 at 7 P.M., the injured were examined

at 5.30 PM, prior to the alleged occurrence.

Learned counsel for the informant submits that the informant has received grievous injury.

Considering the discrepancy with regard to the time of alleged occurrence and medical examination of the injured, in view of this court, it is a case for consideration of the prayer for regular bail of the petitioners by the learned court below in case the petitioners surrender within six weeks from today in connection with Behea P.S. case No. 129 of 2016 pending before learned Chief Judicial Magistrate, Bhojpur, Ara.

This application is disposed of with the aforesaid observation/ direction.

(Dinesh Kumar Singh, J)

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