

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37741 of 2016

Arising Out of PS.Case No. -94 Year- 2016 Thana -KUSHESHWARSTHAN District-
DARBHANGA

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1. Radhey Shyam Yadav, son of Bakau Yadav
2. Ganga Ram Yadav, son of Late Chalitra Yadav,
3. Binod Yadav, son of Late Chalitra Yadav,
4. Amarjit Yadav, son of Madheshwar Yadav All are residing of Village-
Morkahi, P.S.- Kusheshwar Asthan, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 17-10-2016 Heard Mr. Yadav for the petitioner and Mr. M. Dayal, APP
for the State.

The four petitioners herein are cited accused of Kusheshwar
Asthan P.S. Case No. 94 of 2016 (G.R. No. 354 of 2016)
registered under sections 447, 341, 323, 325, 307, 336, 427, 379,
504, 506/34 of the Indian Penal Code.

On account of election dispute, it is alleged that four
accused persons (not the petitioners) assaulted the informant,
bhabhi of the informant, son of the informant as well as two
brothers of the informant. The further allegation is that petitioner
no. 1 subsequently also assaulted the informant with iron rod.
Allegation against petitioner nos. 2, 3 and 4 is that they were also

armed with lathi and assaulted the members of the family. Counsel for the petitioners submits, with reference to the injury report, that except the informant, the others have received singular injury which cannot be attributed to the petitioner nos. 2, 3 and 4. Same is the case with the injury of the informant. Actually, the present case is the counter version of the case lodged by Fulo Yadav.

Learned APP, on the other hand, points out from the injury report that as many as six injuries were sustained by the informant.

Considering the allegations as well as other materials reflected from the record, I am not persuaded to extend the privilege of anticipatory bail to petitioner no. 1. Prayer is rejected.

Petitioner nos. 2, 3 and 4, namely Ganga Ram Yadav, Binod Yadav and Amarjit Yadav respectively, in the event of their arrest or surrender in the Court below within four weeks, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Biraul in Kusheshwar Asthan P.S. Case No. 94 of 2016 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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