

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41561 of 2016

Arising Out of PS.Case No. -121 Year- 2016 Thana -MAJHAULIA
District- WEST CHAMPARAN(BETTIAH)

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1. Ashwini Yadav, S/o Late Kamal Yadav
 2. Arjun Yadav, S/o Late Kamal Yadav
 3. Shivpujan Yadav, S/o Late Dular Yadav
 4. Birendra Yadav, S/o Late Dular Yadav
 5. Bhikhari Yadav, S/o Late Mangani Yadav
 6. Dhanwantari Yadav, S/o Bhikhari Yadav,
 7. Saheb Yadav S/o Bhikhari Yadav Petitioner no. 1 to 7 all resident of Village-Mathiya Bhatwaliya, P.S. Majhauiliya, Dist. West Champaran.
 8. Prabhat Kumar Sharma @ Kanak Sharma, S/o Bhuneshwar Sharma R/O Sikar Pur, P.S. Majhauiliya, Dist. West Champaran.
 9. Ejaj Gaddi S/o Bharat Gaddi
 10. Lagan Gaddi, S/o Late Saral Gaddi @ Saral Yadav
 11. Jaiprakash Pandey, S/o Thakur Pandey
- Petitioner No. 9 to 11 are resident of Dhokraha, P.S. Majhauiliya,
Dist.- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Madhuranand Jha, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 06-10-2016 Heard learned counsel for the petitioners and the learned counsel appearing on behalf of the State. Learned counsel for the informant is also present.

The petitioners are apprehending their arrest in connection with Majhauiliya P.S. Case No.121 of 2016 for allegedly having committed the offences under Sections 147, 148, 149, 341, 323, 324, 307 and 504 of the Indian Penal Code.



Learned counsel for the petitioners submits that the present case has been lodged making allegation that several persons, which also included the petitioners, came and attacked the informant, resulting in serious injuries. Learned counsel for the petitioners further submits that though certain injuries are said to have been inflicted on the informant, the same have not been attributed to the present petitioners; rather they were part of the crowd which had gathered at the place of occurrence. Learned counsel further submits that as the petitioners have not been given any specific role and no overt act has been attributed to them, they may be extended the privilege of anticipatory bail.

Learned counsel appearing on behalf of the informant, however, seriously contests the matter and contends that considering the injuries the petitioners do not deserve the privilege of anticipatory bail as the injuries inflicted on the informant were very serious in nature and the lung was found to have been fractured with fracture in the rib.

Learned counsel appearing on behalf of the State submits that the matter is serious and the petitioners were part of the crowd which had gathered at the place of occurrence.

However, considering the facts and circumstances

and that the petitioners have not been attributed any specific role and apart from that, Petitioner No.1 is having two cases and Petitioner Nos.2 and 8 are having one case against them and there is no criminal antecedents with regard to other petitioners, let all the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Majhauriya P.S. Case No.121 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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