

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26111 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -GORIAKOTHI District- SIWAN

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1. Dadan Yadav son of Ram Lal Rai Residents of Village- Sisai Mahua Tola, Police Station- Goreakothi, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 20-08-2016 Heard both sides.

The petitioner apprehends his arrest in Goreakothi P.S. case No. 32 of 2016 under Section 308 and other sections of the Indian Penal Code.

The informant named the petitioner along with 14 other accused persons and made omnibus and general allegation of assault against all of them that they assaulted him with Lathi and Farsa. When his father, Shanker Rai, uncle, Jairam Rai and brother, Dharmendra Rai came to rescue, the accused persons also assaulted them.

It is submitted that the informant has not made any specific allegation against the petitioner. The informant made his further statement in paragraph 6 of the case diary in which also he

did not make any specific allegation of assault against the petitioner but his father and other witnesses disclosed that petitioner assaulted Manoj Rai with bamboo stick. One haematoma was found in parietal region that is why the doctor opined the injury to be grievous although there was no fracture of bone. There is counter version and other accused persons have already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 23449 of 2016.

On the other hand, the learned counsel for the informant as well as the learned APP, however, opposed the prayer for anticipatory bail.

It appears that the informant made omnibus and general allegation of assault against all the 15 accused persons. The informant in his further statement also did not make any specific allegation of assault against the petitioner. The informant himself stated that when the accused persons were assaulting him his father, uncle and brother came later on and they were also assaulted by the accused persons. There is counter version and the occurrence took place due to land dispute.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned

court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sri Manoj Kumar, the learned Judicial Magistrate, 1st class, Siwan in Goreakothi P.S. Case No. 32 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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