

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40278 of 2016

Arising Out of PS.Case No. -226 Year- 2015 Thana -LAKHISARAI District- LAKHISARAI

- =====
1. Banarsi Yadav
 2. Bindeshwari Yadav, both are Sons of late Meghu Yadav
 3. Rajiv Kumar Son of Banarsi Yadav. All are residents of Village- Chamghara, P.S. Ramgarh Chowk, District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat, Advocate
For the Opposite Party/s : Mrs. Indu Kumari Srivastava, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-10-2016

Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners apprehend arrest in connection with
Lakhisarai (Ramgarh Chowk) P.S. Case No. 226/15 for offences
alleged under Sections 452, 324, 379 and 504/34 of the Indian
Penal Code.

Allegation is that petitioner no. 3 and one
Nitish Kumar entered the house of the informant and started
abusing her. On her objection Nitish Kumar assaulted her with
dagger but she saved herself by her hand, she fell down and
petitioner no. 3 started assaulting her with butt of pistol. Her son
came home after leaving shop then petitioner nos. 1 and 2 having

pistol in their hands chased her son but he succeeded to escape.

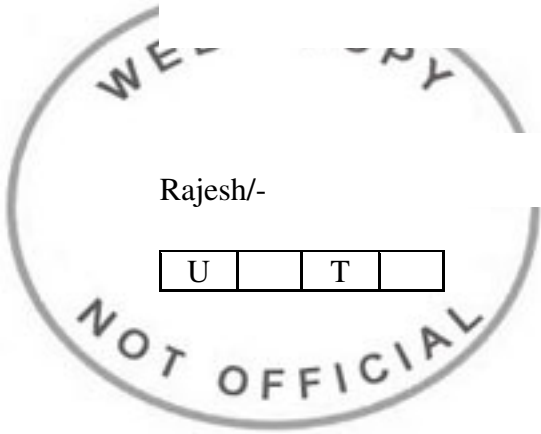
Co-accused Nitish Kumar also took away her ornaments.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case due to previous enmity between both parties. He submits that there is no specific allegation against these petitioners and the allegation of causing injury to the informant's wife is upon one Nitish Kumar, which has been found to be simple in nature and that a counter-case has also been lodged against the informant side.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, since the petitioners have no criminal antecedent and that there is previous enmity, case and counter-case and there is no allegation against the petitioners of causing any injury, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, 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 learned Addl. Chief Judicial Magistrate, Lakhisarai, in connection with Lakhisarai (Ramgarh

Chowk) P.S. Case No. 226/15, subject to the conditions as laid
down under Section 438(2) Cr.P.C.



(Nilu Agrawal, J.)