

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15069 of 2016

Arising Out of PS.Case No. -401 Year- 2015 Thana -GAYA MUFFSIL District- GAYA

- =====
1. Arjun Yadav S/o Gopal Yadav
 2. Chando Yadav S/o Gopal Yadav
 3. Chandan Yadav @ Chandan Kumar S/o Arjun Yadav
 4. Kunal Yadav @ Kunal Kumar S/o Arjun Yadav All R/o Village-
Salempur, P.S.- Muffasil, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha

For the Opposite Party/s : Mr. Anuradha Singh(App)

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

4 30-06-2016

Heard both sides.

The petitioners apprehend their arrest in a case under
Section 447, 341, 323, 324, 379, 307/34 of the Indian Penal Code.
Later on Section 302 of the IPC was also added.

The informant named the petitioners and alleged that
they all, having armed with different weapons, entered into his
house and assaulted Rahul Kumar, Neha Kumari, Mithilesh
Kumar, Pankaj Kumar, Kailash Yadav and Sakuni Devi. They also
damaged vehicle and took out ornaments from the house.

Sri Dhirendra Kumar Sinha, the learned counsel for
the petitioners, submits that there is no specific allegation against



any of the petitioners. Rahul Kumar got one injury on his head and on the next date, i.e., 26.10.2015 he died and who assaulted Rahul Kumar is not stated in the FIR or in the case diary. It is further submitted that wife of informant made her statement in paragraph 34 of the case diary and she narrated altogether a different story. The supervisory authority has also found a different story. There is counter version of the occurrence and three persons are injured from the side of petitioners.

The learned Additional Public Prosecutor as well as the learned counsel for the informant opposed the prayer for anticipatory bail.

It appears that the informant made allegation that petitioners, having armed with different weapons, entered into the house and indiscriminately assaulted the informant and other inmates of the house. Five persons were injured. One Rahul Kumar got head injury and he died on the next date. The counter version has not been annexed with the bail petition but injury report is filed. Chando Yadav got one superficial injury on head and two others also got lacerated wounds.

Considering the nature of allegation that petitioners are alleged to have entered into the house of informant and indiscriminately assaulted the informant and others causing head

injury to Rahul Kumar and injuring four others and Rahul Kumar died, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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