

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35959 of 2016

Arising Out of PS.Case No. -183 Year- 2016 Thana -SIWAN MUFFASIL District- SIWAN

1. Lalan Chaudhary @ Lalan Kumar Yadav Son of Bigu Chaudhary
Resident of village - Orma Nawaka Tola, P.S.- Siwan Muffasil, District -
Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S.N.P. Sinha, Sr. Advocate,
Mr. J.N. Sinha, Advocate
Mr. Rohit Kumar, Advocate
For the informant : Mr. Zeyaul Hoda, Advocate
For the State : Mr. Satya Deo Prasad Singh Yadav, Adv.

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 08-09-2016

Heard learned counsel for the petitioner
and the State.

The petitioner is apprehending his arrest
in a case registered for the offences punishable under
Sections 147, 148, 149, 323, 324, 307, 302 of the Indian
Penal Code and 27 of the Arms Act.

The prosecution case is that on
15.05.2016 at 8.30 A.M. the informant Ali Ahmad, his
brother Sabir Hussain and Md. Hasnain was surrounded
by the accused Om Prakash Pandey, Brij Mohan Pandey,
Shankar Yadav, Jawahar Yadav, Amod Yadav and the
petitioner. The accused persons were variously armed. Co-
accused Jawahar Yadav and Amod Yadav caught hold of



Md. Husnain, while co-accused Om Prakash Pandey shot at fire, as a result he fell down, thereafter Brij Mohan Pandey hit Shabir Hussain on his head, then all the accused persons attacked on the injured Md. Shabir Hussain. The informant tried to rescue the victim, then Jawahar Yadav hit him with axe and subsequently injured were taken to hospital, when Md. Shabir Hussain succumbed to the injury.

It is submitted by the learned counsel for the petitioner that specific accusation of overt act is alleged against Jawahar Yadav, Amod Yadav, Om Prakash Pandey and Brij Mohan Pandey. Moreover, the persons who is alleged to have been accused with others, Jawahar Yadav @ Jawahar Prasad Yadav and Amod Yadav @ Kamod Kumar have been granted anticipatory bail by a Co-ordinate Bench of this Court vide Cr. Misc. no. 32365 of 2016. Copy of the said order has been produced. Let, it be kept on record. Statement has been made in para-3 of the petition that petitioner has no criminal antecedent.

Learned counsel for the informant submits that though, there is no specific accusation of assault has been levelled against the petitioner, but there is omnibus and general accusation that they all assaulted the victim Md. Sabir Hussain.

Considering the fact that no specific accusation

has been levelled against the petitioner and against whom specific accusation has been levelled have been granted anticipatory bail, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Muffasil P.S. Case No. 183 of 2016, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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