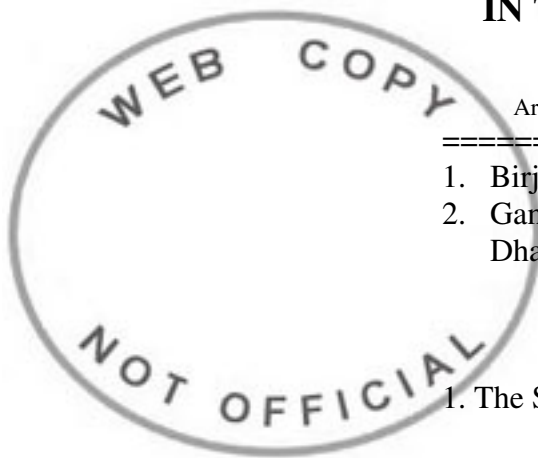




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4035 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -CHANDRADEEP District- JAMUI

- =====
1. Birju Yadav son of Sri Ganesh Yadav
 2. Ganesh Yadav son of Late Shobhi Yadav All resident of Village- Dharmpur, P.S.- Chandradeep, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prakash Mahto

For the Opposite Party/s : Mr. Abhay Kumar No. 1 (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2016

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 341, 324, 307, 448, 504, 506 of the Indian Penal Code.

The prosecution case is that eleven accused persons came variously armed including the petitioners and started assaulting the informant. It is alleged that petitioner No. 2 Ganesh Yadav and co-accused Banaras, Vikash, Subhash and Kaili Devi assaulted Mangli Yadav. The petitioner No. 2 is also alleged to have assaulted the informant, his father and brother. It is further alleged that the accused persons entered into the house of the informant and assaulted the sister and sister-in-law of the informant. The injury caused to Mangli

Yadav has been found to be grievous.

It is submitted by learned counsel for the petitioners that there is no injury report of the father and brother of the informant when the injury of the informant has been found to be simple. It is further submitted that specific accusation of assault is not against the petitioner No. 1 whereas petitioner No. 2 is 66 years old person and in the background of land dispute the accusation has been levelled. Moreover at earlier point of time the petitioners' side lodged a case against the informant.

Considering the accusation not being specific against petitioner No.1, let the petitioner No. 1, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Jamui in connection with Chandradeep P.S. Case No. 80 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner No. 2 Ganesh Yadav is concerned, since accusation of assault is specific against petitioner No. 2, let learned Court below consider the prayer for regular bail of petitioner No. 2, if he surrenders within a period of six weeks in connection with Chandradeep P.S. Case No. 80

of 2015, pending in the Court of learned Judicial Magistrate, 1st Class, Jamui.

With the observations above, the application with regard to petitioner No. 2 stands disposed of.

(Dinesh Kumar Singh, J)

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