

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8704 of 2016

Arising Out of PS.Case No. -281 Year- 2015 Thana -MAHARAJGANJ District- SIWAN

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1. KULDEEP YADAV S/o Rajbalabh Yadav
2. Jagdish Yadav
3. Gorakh Yadav Both are son of Raj Balabh Yadav
4. Mohan Yadav S/o Late Ram Janam Yadav All are resident of Village
leruwa, P.s Maharajganj Distt Siwan. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Rajani Kumari

For the Opposite Party/s : Mr. Md.Nazir Ansari(App)

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

ORAL ORDER

2 24-02-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 379/34 of the Indian Penal Code.

The prosecution case is that six FIR named accused persons, including the petitioners, attacked and assaulted the informant for making protest against dismantling his cattle shed. It is specifically alleged that co-accused Akhilesh Yadav assaulted the informant with Farsa on his head and when brother of informant, Dina Nath Yadav, came to rescue he was assaulted by Mohan Yadav, petitioner No.4 with sword as a result of which his left hand got injured. It is also alleged that co-accused Ashok Yadav snatched gold chain of the informant.

It is submitted by the learned counsel for the petitioners that so far petitioners No. 1, 2 and 3 are concerned, there is no specific accusation against them. The brother of the informant was assaulted by petitioner No.4 with sword but he has received one lacerated injury and another one is of fracture of metacarpal joint of right hand. The injury of right hand has been found to be grievous but it is specifically alleged in the FIR that the petitioner No.4 assaulted the brother of informant on his left hand. The single injury on left hand, has been found caused by hard and blunt substance, which contradicts the accusation that petitioner No.4 assaulted the brother of informant with sword.

Considering the aforesaid facts, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Saran at Chapra in connection with Maharajganj P.S. Case No. 281 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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