

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16552 of 2016

Arising Out of PS.Case No. -215 Year- 2015 Thana -JAGDISHPUR District- BHAGALPUR

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1. Raj Kumar Yadav @ Labbu Yadav
 2. Kapuri Yadav @ Kapuri Yadav @ Karpuri
 3. Para Yadav @ Puran Yadav
 4. Parbir Yadav @ Prabin Yadav
 5. Mannu Yadav @ Mantu Yadav
 6. Bhukhan Yadav
 7. Buteli Yadav
 8. Fakko Yadav @ Pakko Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Manoj Kumar

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 18-04-2016

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Section 147, 148, 149, 447, 341, 323, 324, 307, 504 of the Indian Penal Code.

The prosecution case is that on 01.12.2015 at 1 P.M. the informant was going to Jagdishpur market for purchasing seeds along with Bilash Yadav and Pappu Yadav. It is alleged that in the Kushaha field the accused persons came and started abusing the informant and asked him to withdraw the case lodged against the petitioners' side. On protest being made, Rajkumar Yadav @ Labbo Yadav gave Khanti blow on the head of informant and



when Bilash Yadav and Pappu Yadav came to rescue then on the order of Puro Yadav all the accused persons started assaulting the informant. Accused Puro Yadav gave iron blow on the head of Bilash Yadav. Further case is that when the informant came to rescue then Pradip Yadav gave Dabiya blow to the informant thereafter Rambaran Yadav gave Gatta blow on the head of Pappu Yadav. On alarm being raised Sanjay Yadav, Babloo Yadav came to rescue then Mannu Yadav and Buteli Yadav resorted to firing. It is further alleged that Mannu Yadav assaulted Babloo Yadav with the butt of musket and Nawal Yadav assaulted Sanjay Yadav with Dabia thereafter Dabloo Yadav assaulted Pappu Yadav with Khanti. On alarm being raised the villagers came but in the meantime the accused persons snatched Rs. 5000/- from the pocket of Bilash Yadav and Pappu Yadav.

It is submitted by the learned counsel for the petitioners that the accusation is omnibus and general. There is counter version of the occurrence and prima facie it does not appear that injuries have been found to be grievous. Statement has been in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the aforesaid facts, let the above named petitioners be released on provisional anticipatory bail for three

months 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, Bhagalpur in connection with Jagdishpur P.S. Case No. 215 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioners shall be confirmed by the learned court below on verification of the fact that informant's side have not received any grievous injury, but if it is found that the informant's side received grievous injury, then the petitioners shall surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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