

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45345 of 2016

Arising Out of PS.Case No. -161 Year- 2016 Thana -BRAHMPUR District- BUXAR

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1. Shivnath Yadav son of Late Nawjadik Yadav
2. Mukesh Yadav @ Mukesh Kumar Yadav son of Late Janak Bihari Yadav
3. Vishal Yadav @ Vishal Kumar son of Ram Baran Yadav
4. Vikki Yadav son of Sheo Nath Yadav
5. Umesh Yadav son of Late Raj Pati Yadav
6. Vikash Yadav son of Sheo Nath Yadav All residents of Village Baraki Purwa, P.S. Brahampur, District Buxar, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudha Chandra

For the Opposite Party/s : Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 15-12-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

At the very outset, learned counsel for the petitioners seeks permission to withdraw this application for anticipatory bail on behalf of petitioner No.5, namely, Umesh Yadav, as he has already surrendered before the court below.

The prayer is allowed and this application is dismissed as withdrawn as against petitioner no.5.

This is an application for anticipatory bail for the offences under Sections 147, 149, 323, 379, 447, 342, 325, 307 and 504 of the Indian Penal Code.



For other petitioners, it has been submitted on behalf of the petitioners that the allegation against the petitioners is that they have assaulted the informant and his son by Lathi, fist and slap but all the injuries are simple in nature. It has further been submitted on behalf of the petitioners that there is case and counter case between the parties. It has further been submitted that during altercation, petitioners have also received injury which has been annexed as Annexure-3 series.

Heard learned APP appearing for the State who could not controvert this fact.

Having heard both sides and in view of the fact that there is case and counter case and no specific overt act has been alleged against the petitioners, further injury reports of petitioners' side have been annexed as Annexure-3 series, and the injuries caused to the informant and his son are simple in nature, this application is allowed. Let the petitioner nos. 1 to 4 and 6, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Brahampur P.S. Case No. 161 of 2016, subject to the condition laid down under Section



438(2) of the Code of Criminal Procedure and further that the petitioner will cooperate with the investigation of the case.

(Vinod Kumar Sinha, J)

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