

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38939 of 2016

Arising Out of PS.Case No. -11 Year- 2016 Thana -GWALPARA District- MADHEPURA

- =====
1. Bano Yadav, Son of Late Chit Narayan Yadav.
 2. Binod Yadav, son of Bano Yadav.
 3. Bittu Kumar, son of Bano Yadav.
- All residents of Village- Rahi Tola, Police Station-Gwalpara, District-
Madhepura.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Party.

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Appearance :

For the Petitioners : Mr.
For the State : Mr.
For the Informant : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**
ORAL ORDER

2 21-10-2016 Let the supplementary affidavit filed on behalf of the

petitioners and the counter affidavit filed on behalf of the

informant, namely, Nirmal Kumar, be kept on record.

Heard.

The petitioners apprehends their arrest in connection with

Gwalpara P.S. Case No.11 of 2016 registered under Sections 341,

323, 307, 504 and 506 of the Indian Penal Code besides Section

27 of the Arms Act.

The accusation is that when the informant Nirmal Kumar

on 17.02.2016 at about 07.00 A.M. in the morning was going to

his sugarcane field, in the way, ten accused persons, named in the



F.I.R., including the petitioners alongwith 3-4 unknown variously armed surrounded him and on the order of petitioner no.1 Bano Yadav and the co-accused Raj Kishore Yadav, the co-accused Jyotish Yadav caused injury through iron rod on his head. Thereafter, the petitioner no.2 Binod Yadav shot fire through three nut at the informant, which luckily did not hit him. The co-accused Pankaj Yadav and Niranjana Yadav caused injury to him through lathi and fatta due to which he fell down unconscious on the ground. Thereafter, the co-accused Pankaj Yadav also caused fracture injury to the informant on his both legs through iron rod and the co-accused Govind Yadav assaulted the informant through iron rod causing fracture injury on his both hands. At that time, the co-accused Jawahar Yadav took Rs.18000/- and a mobile from the pocket of the informant.

Learned counsel appearing on behalf of the petitioners submits that the petitioners are Gotiyas of the informant and have falsely been implicated in this case. Moreover, the allegation against the petitioner no.1 Bano Yadav is of giving order to the other co-accused whereas against the petitioner no.2 Binod Yadav is of making firing at the informant, which did not hit the informant and the petitioner no.3 Bittu Kumar was simply the member of the mob. Further submission is that there is specific

allegation against the co-accused Jyotish Yadav, Pankaj Yadav Niranjan Yadav and Govind Yadav to cause injury to the informant. It is further submitted that, in fact, due to land dispute, the occurrence took place between the parties in which the petitioners' side also sustained injuries regarding which Gwalpara P.S. Case No.9 of 2016 was instituted on the basis of the written report of the petitioner no.1 Bano Yadav under Sections 341, 323, 379, 307, 504 and 506/34 of the Indian Penal Code against the informant and others.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Shri Ashok Kumar-II, Judicial Magistrate, First Class, Uda Kishunganj, District-Madhepura, in connection with Gwalpara P.S. Case No.11 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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