

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52505 of 2015

Arising out of PS.Case No. -399 Year- 2015 Thana -MAJHAULIA District- WEST
CHAMPARAN(BETTIAH)

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1. Indrajeet Yadav @ Indrajeet Rai, S/O Late Jangi Yadav.
 2. Rajesh Yadav, S/o Late Amar Yadav.
 3. Dasai Yadav, S/o Late Babulal Yadav.
 4. Awadhesh Yadav @ Adesh Yadav, S/O Late Amar Yadav.
 5. Sipahi Yadav, S/O Late Jangi Yadav.
 6. Bannu Yadav, S/O Late Jangi Yadav.
 7. Saheb Yadav, S/O Late Jangi Yadav.
 8. Musmat Phuljhari Devi, W/O Late Amar Yadav.
 9. Munni Devi, W/O Dasai Yadav, All residents of Village- Gudara, Harijan Toli, P.S.- Majhauria, District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjeev Kumar, Advocate.

For the Opposite Party : Mr. Sadanand Paswan (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 19-02-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in connection with Majhauria P.S. Case No. 399 of 2015 for the offences instituted under Sections 147, 323, 325, 307, 342, 504 and 34 of the IPC and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

The prosecution story, in brief, is that on 06.04.2015 at about 2.00 P.M., the accused persons, all armed with weapons,



came at the *Darwaja* of the complainant. The accused persons abused the informant and his family members. The co-accused, Indrajeet Yadav gave an iron rod blow over the head of the complainant and blood started coming out from his head. Co-accused, Jitan Yadav gave a Lathi blow over the right hand of the complainant. When the complainant's father and mother came to rescuer him, accused nos. 9 and 10, Munni Devi and Phuljhari Devi assaulted Champa Devi by fist and leg. Co-accused, Sipahi Yadav gave a Lathi blow over right hand of Champa Devi as a result of which her hand got fractured. Co-accused Sudhir Yadav gave a rod blow over the hand of Shiv Narayan Ram. Bachani Devi and Kundan Kumar were also assaulted by the accused persons. The co-accused, Indrajeet Yadav ordered to set the house of the complainant on fire. However, the co-villagers came there and they saved the complainant's family members and his house. The complainant and his family members were treated at Bettiah Hospital. At Bettiah Hospital, the statement of the complainant was recorded. However, the police did not lodge the case and the police was pressurizing the complainant to compromise the matter.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is a case and counter-case. The injury on the petitioners' side has not been

explained by the prosecution. FIR has been instituted after a period of one month from the alleged date of occurrence. From perusal of the injury report, it appears that none of the injuries are grievous in nature.

On behalf of the State it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Majhaulia P.S. Case No. 399/2015 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., West Champaran at Bettiah, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)