

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16365 of 2016

Arising Out of PS.Case No. -31 Year- 2015 Thana -GAUTAMBUDHNAGAR District- SIWAN

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1. Vinay Yadav
 2. Jitendra Yadav, Both are son of Swaminath Yadav
 3. Urmila Devi Wife of Ashok Yadav
 4. Manki Devi, Wife of Kailash Yadav All are Resident of Village- Saraiya, Police Station- G.B. Nagar, (Gautam Budh Nagar), District- Siwan.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rakesh Ranjan, Advocate.
For the Opposite Party : Mr. Sanjay Kr. Tiwary(App)
For the Informant : Mr. Shambhu Pd. Yadav, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 17-05-2016 Heard learned counsel for the petitioners, learned APP and Mr. Sahmbhu Pd. Yadav, learned counsel appeared in person as he is informant of the present case.

The petitioners apprehend their arrest in G.B. Nagar (Gautam Budh Nagar) P.S. Case No. 31 of 2015 registered for the offences punishable under Sections 147, 148, 149, 323, 324 and 307 of the Indian Penal Code.

The informant named the petitioners along with other accused persons and made specific allegation that Arun Yadav assaulted Ajit Yadav on his head with Pharsa. Ranjan Yadav also assaulted Ajit Yadav with iron rod. Other family members also

came there and Kailash Yadav assaulted the informant Shambhu Prasad Yadav with Pharsa on his head causing grievous injury. Swaminath Yadav also assaulted Shambhu Prasad Yadav with iron rod on chest and back. Other accused persons also assaulted the family members of the informant.

Learned counsel for the petitioners submits that no specific allegation of assault is made against the petitioners. There is counter version bearing G.B. Nagar (Gautam Budh Nagar) P.S. Case No. 30 of 2015. The case of the petitioner at earlier point of time was on account of land dispute and thereafter the present case and counter case was lodged.

On the other hand, Shri Shambhu Prasad Yadav learned counsel for the informant who appeared in person has vehemently opposed the prayer for bail and submitted that there is allegation against the petitioners that they assaulted his other family members. The nephew of the informant got injury on his head but it is admitted that it has nowhere mentioned in the FIR that who is the assailant of the nephew of the informant.

Taking into consideration that omnibus and general allegation is made against the petitioners and no specific allegation of assault is made against the petitioners and there is case and counter case, the petitioners above named four in numbers out of

which two are ladies, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail 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 Chief Judicial Magistrate, Siwan in G.B. Nagar (Gautam Budh Nagar) P.S. Case No. 31 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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