

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50236 of 2016

Arising Out of PS.Case No. -87 Year- 2016 Thana -GAMAHARIYA District- MADHEPURA

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1. Kartik Yadav, Son of Late Madhav Yadav.
 2. Satendra Yadav, Son of Late Madhav Yadav.
 3. Bhupendra Yadav, Son of Subdhar Yadav. All residents of village - Jibachhpur, P.S. Gamharia, District Madhepura.
 4. Shambhu Yadav, Son of Shivan Yadav, resident of village - Jibachhpur, Tola - Belhi, P.S. Gamharia, District Madhepura.
 5. Shambhu Yadav, Son of Birju Yadav.
 6. Latar Yadav, Son of Ram Prasad Yadav.
 7. Sunil Mehta, Son of Deonarayan Mehta.
 8. Manoj Yadav, Son of Late Nanku Yadav.
 9. Chhoti Yadav, Son of Birju Yadav.
 10. Kundan Kumar, Son of Dilip Kumar Yadav.
 11. Rajeshwar Yadav, Son of Late Shivnath Yadav.
 12. Dilkhush Yadav, Son of Sahdeo Yadav. All residents of village - Itwa, P.S. Gamharia, District Madhepura.
 13. Rajendra Yadav, Son of Murkilal Yadav, resident of village - Belhi, P.S. Gamharia, District Madhepura.
 14. Jai Prakash Mehta, Son of Deo Narayan Mehta.
 15. Dilip Yadav, Son of Kushumlal Yadav.
 16. Shiv Kumar Yadav, Son of Rajendra Yadav.
 17. Md. Jalaluddin, Son of Isuf.
 18. Birendra Yadav, Son of Late Rajeshwar Mandal. All residents of village - Bhelwa, P.S. Gamharia, District Madhepura.
 19. Maheshwari Yadav, Son of Late Hira Yadav, resident of village - Fulkaha, P.S. Gamharia, District Madhepura.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioners : Mr. Shekhar Kumar Singh, Advocate.

For the Opposite Party : Mr. Rajeev Nayan, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in



connection with Gamharia P.S. Case No. 87 of 2016, corresponding to G.R. No. 920 of 2016 for the offences instituted under Sections 147, 148, 149, 341, 342, 348, 353, 323, 386, 387, 307, 506 and 333 of the IPC.

The prosecution story, in brief, is that on 06.06.2016 at about 10.00 A.M. the defeated candidates of Mukhiya and other posts alongwith their supporters were sitting on Dharna in the shed outside the premises of Block Office and some supporters were roaming in the Block Office premises. When the informant was going to his residence after doing his official duty in Circle Office, Gamaharia, then about five thousand persons in number entered into the premises of Block Office and surrounded the informant and threatened to kill him if re-election is not done. Petitioners and FIR named accused persons caught hold the informant, dragged and assaulted him and threatened him to sign on a paper putting him under fear of pistol otherwise he would be killed and due to fear the informant put his signatures on 3-4 blank papers and thereafter they threatened to him to set fire to the ballot boxes, Block Office and police station and they blocked the road and started making slogan against the police and administration and on receiving this information when the A.S.P., Madhepura, reached there then they kept surrounded the A.S.P., Madhepura, for seven



hours. It has been further alleged that the informant came to knowledge from the staff of the Block Office, namely, Madan Kumar and Vikash Kumar, that the petitioners and several other co-accused persons named in the FIR alongwith 4000-5000 unknown persons were involved in the alleged occurrence.

It has been submitted on behalf of the petitioners that the petitioner nos. 1 and 19 have got criminal antecedent. Relating to the same occurrence, a case was instituted. As far as petitioner nos. 2 to 18 are concerned, there is no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. General and omnibus allegation has been made against the petitioners. No specific injury has been attributed against the petitioners. Altogether 112 persons have been made accused in the present case. The petitioners have been made accused due to political rivalry. The other co-accused have been granted anticipatory bail by another co-ordinate Benches of this Court vide Cr. Misc. Nos. 41993/2016, 42642 of 2016 and 47056 of 2016.

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 Gamharia P.S. Case No. 87 of 2016, corresponding to G.R. No. 920 of 2016 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 J.M. Ist Class, Madhepura, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

