

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55159 of 2017

Arising Out of PS.Case No. -45 Year- 2017 Thana -LODIPUR District- BHAGALPUR

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1. Mukesh Yadav
2. Rohit Yadav
3. Jigesh Yadav, All Sons of Buteli Yadav, All residents of Village
Khutaha, P.S. Lodipur, District Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey

For the Opposite Party/s : Mr. Sri Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 24-11-2017 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Lodipur P.S. Case No. 45 of 2017, registered under Sections
323, 307 and 504/34 of the Indian Penal Code.

The accusation is that in the evening of 18.05.2017,
Mukesh Yadav (petitioner no. 1) came at the door of the
informant, Geeta Devi, and started to abuse saying that her
daughter has beaten his she-buffalo and moved from there on
giving threatening of dire consequences. In the meantime,
Yogendra Yadav, husband of the informant, was returning to his
house then petitioners surrendered him having lathi and rod in



their hand. At that time, Mukesh Yadav (petitioner no. 1) started to cause assault to her husband through iron rod causing injury at his head.

Learned counsel for the petitioners submits that it would appear from the F.I.R. that the specific allegation of causing assault to the informant and her husband is against Mukesh Yadav (petitioner no. 1) whereas petitioner nos. 2 and 3 is simply present there. Moreover, at the time of disposal of anticipatory bail of the petitioners in the court below, case diary was called for, but injury report could not be produced.

Having regard to the facts and circumstances of the case, let the above named petitioner no. 2 and 3 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, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the A.C.J.M.-IV, Bhagalpur, in connection with Lodipur P.S. Case No. 45 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no. 1, Mukesh Yadav, is concerned, having considered the facts and circumstances of the case and the nature of allegation against him, I am not inclined to



grant anticipatory bail to the petitioner no.1. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no. 1 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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