

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28091 of 2017

Arising Out of PS.Case No. -401 Year- 2015 Thana -BAHERA District- DARBHANGA

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1. Kali Kant Yadav @ Hakim, Son of Baijnath Yadav,
 2. Upendra Yadav, Son of Baijnath Yadav,
 3. Birendra Yadav, Son of Upendra Yadav,
 4. Alok Yadav, Son of Kali Kant Yadav,
 5. Ajay Yadav @ Ajay Kumar, Son of Kali Kant Yadav,
 6. Abesh Kumar Yadav @ Abesh Kumar, Son of Jamun Yadav, Both are Resident of Village- Kumhraul, P.S.- Bahera (Ali Nagar O.P.), District- Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Iqbal Asif Niazi, Advocate.

For the Opposite Party : Mr. Umeshnand Pandit, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2017 Learned counsel for the petitioners seeks permission to withdraw the application on behalf of petitioner nos. 1 and 2.

Permission is accorded.

The anticipatory bail application made on behalf of petitioner nos. 1 and 2 is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 3 to 6 and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Bahera P.S. Case No. 401/2015 for the offences instituted under Sections 147, 148, 149, 341, 323, 324, 307,



447,448, 379, 380 and 504 of the IPC.

The prosecution story, in brief, is that on 26.07.2015 at about 1.00 P.M., while the informant was sitting at his *Darwaza*, all of a sudden petitioners came there armed with deadly weapon and started abusing the informant and on protest, all of them caught hold of him. It is further alleged that Kali Kant Yadav gave order and on his order Jamun Yadav gave dagger blow upon the right eye of the informant and caused injury. It has further been alleged that on alarm, nephew of the informant came there to save him then Alok Yadav gave Farsa blow on the head of Ajay Kumar Yadav and caused injury. It has further been alleged that when the brother of the informant, namely, Ram Naresh Yadav, intervened he was also assaulted with Iron rod on his left hand. It is further alleged that other also assaulted with Lathi, Danda, fists and slaps and Birendra Yadav took away a sum of Rs. 20,000/- out of the pocket of the informant. It has further alleged that other accused entered into the house and caused housed hold articles scattered and also took away articles worth Rs. 50,000/-. Nearby people came there and took them to hospital for treatment.

It has been submitted on behalf of the petitioners that the petitioners have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the



petitioners. It is a case and counter case between the parties. The alleged occurrence is said to have taken place due to land dispute. The injury on the part of the petitioners' side has not been explained by the prosecution.

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 petitioner nos. 03 to 06 above named except petitioner nos. 1 and 2, 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 Bahera P.S. Case No. 401/2015 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 A.C.J.M., Benipur, Darbhanga, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

