

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39842 of 2017

Arising Out of PS.Case No. -126 Year- 2015 Thana -BITHAN BAZAR District- SAMASTIPUR

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1. Manoj Yadav Son of Bhunni Yadav
 2. Anil Yadav Son of Ramdayal Yadav
 3. Aklu Yadav @ Aklu Kumar Yadav
 4. Rohin Yadav, Both Sons of Narayan Yadav
 5. Mukesh Yadav Son of Rampravesh Yadav
 6. Ram Udaya Yadav Son of Suraj Yadav
 7. Pradeep Yadav Son of Ram Pravesh Yadav
 8. Dilip Yadav Son of Ramdayal Yadav
 9. Mohan Yadav Son of Ram Pravesh Yadav
 10. Ram Pravesh Yadav Son of Uttim Lal Yadav
 11. Kailash Yadav Son of Suraj Yadav
 12. Ram Dayal Yadav Son of Uttim Lal Yadav
 13. Malik Yadav @ Mallik @ Mallik Yadav, Son of Ram Dayal Yadav
 14. Rajendra Yadav, Son of Suraj Yadav, All are Resident of Village-Narpa, P.S. Bithan, District-Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 15-09-2017 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in connection

with Bithan P.S. Case No. 126 of 2015, registered under Sections

147, 148, 149, 341, 323, 333, 325, 324, 307 and 380 of the Indian

Penal Code.

The accusation is that twenty persons named in the



F.I.R. including the petitioners having armed with lathi, danda, iron rod and bhala reached at the house of the informant and started to commit loot and damaging the property. At that time, Ram Dayal Yadav (petitioner no.12), gave bhala blow at the left cheek of the informant and thereafter others caused injury to him through lathi and danda. When Umesh Yadav, son of the informant, rushed to save him then Ram Pravesh Yadav (petitioner no. 10) caused injury through iron rod at his right hand whereas Anil Yadav (petitioner no. 2) caused injury at the head of Umesh Yadav, son of the informant.

Learned counsel for the petitioners submits that while there is general allegation of causing assault to the informant and his son against the petitioners but the specific allegation is against Ram Pravesh Yadav (petitioner no. 10). Moreover, two injuries were found on the person of the son of the informant, out of which, one is grievous in nature attributed against Ram Pravesh Yadav (petitioner no. 10) whereas two injuries were found on the person of the informant are simple in nature.

Having regard to the facts and circumstances of the case, let the above named petitioner nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13 and 14 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 Sub-Divisional Judicial Magistrate, Rosera, Samastipur, in connection with Bithan P.S. Case No. 126 of 2015, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no. 10, namely, Ram Pravesh 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 him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no. 10 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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