

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44811 of 2017

Arising Out of PS. Case No.-49 Year-2017 Thana- SHAKURABAD District- Jehanabad

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1. Tejnarayan Yadav, Son of Late Nanhak Yadav,
 2. Sushil Yadav, Son of Late Nanhak Yadav,
 3. Rajendra Yadav, Son of Late Nanhak Yadav,
 4. Lala Kumar, Son of Sushil Yadav,
 5. Shaligram Kumar, Son of Sushil Yadav,
- All are Resident of Village- Utrapati, P.S.- Sakurabad, District-
Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Adv.
For the Opposite Party/s : Mr. J. N.Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 18-10-2017 Heard learned Counsels for the petitioners and the

State.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections
147/148/149/341/323/337/447/504/302 of the Indian Penal
Code and Section 27 of the Arms Act.

Prosecution case is that on 14.04.2017 at 2.30 PM,
the informant's uncle Chandra Yadav, aged about 75 years
was sitting on the door of his house, in the meantime, co-
accused, Anjani Yadav, Manoj Yadav and Raja Babu, having
armed with pistol, came and started abusing. On protest being
made by the informant, co-accused, Anjani Yadav, fired. On



hearing the sound of gun firing, the informant rushed to the place of occurrence, and saw that the above named three persons were assaulting the uncle of the informant with fists and kicks and bricks. In the meantime, Sanjay Yadav, Subodh Yadav, Surendra Yadav, petitioner no.1, Narayan Yadav, petitioner no.3, Rajendra Yadav, petitioner no.2, Sushil Yadav, petitioner no.4, Lala Kumar, petitioner no.5, Shaligram Kumar, came and started pelting stones and bricks and they also assault the informant's side.

It is submitted by learned Counsel for the petitioners that the thrust of accusation is only against three persons, Anjani Yadav, Manoj Yadav and Raja Babu. The main accused were armed with pistol, though they fired but the informant did not receive any fire arm injury, which suggests that they had no intention to kill. Moreover, as per the accusation in the FIR, the petitioners subsequently, reached the place of occurrence and accusation of pelting stones and bricks is omnibus and general against the petitioners. A statement has been made in paragraph no.3 of the petition, that the petitioners are having no criminal antecedent.

Learned APP for the State after going through the



case diary submits that the informant received multiple injuries as all his ribs were found fractured and the injury has been caused by hard and blunt substance.

Considering the rival submissions of the parties in view of the nature of accusation, this Court is not inclined to enlarge the petitioners on anticipatory bail. However, keeping in view that the thrust of accusation is against three FIR named accused persons namely, Anjani Yadav, Manoj Yadav and Raja Babu, it is a case for consideration of prayer for regular bail.

Let the learned Court below consider the prayer for regular bail of the petitioners, if the petitioners surrender within a period of six weeks in connection with Sakurabad P.S. Case No.49/2017, pending before the learned CJM, Jehanabad.

With the above observation, this application is, accordingly, disposed off.

(Dinesh Kumar Singh, J)

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