

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48882 of 2016

Arising Out of PS.Case No. -145 Year- 2016 Thana -SHEKHPURA District- SEKHPURA

- =====
1. Karu Yadav Son of Late Bhagwan Yadav
 2. Chhote Yadav @ Chhotu Yadav Son of Lakhan Yadav, Resident of Village- Budhouli, P.S. and District- Sheikhpura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Bhakta

For the Opposite Party/s : Mr. Sri Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

5 02-03-2017 Second supplementary affidavit has been filed on behalf of the petitioners. Let it be kept on the record.

Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the Informant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Sheikhpura P.S. Case No. 145 of 2016 for the offences punishable under sections 147, 148, 149, 448, 341, 323, 324, 325, 307, 354 and 379 of the I.P.C and section 27 of the Arms Act.

Allegedly, 28 FIR named accused persons along with 25-30 unknown being armed with lathi, danda, garasa, sword and iron rod attacked on the house of the informant with an intention



to kill Shree Yadav, the brother of the informant, and started assaulting the informant, his brother Shree Yadav, Chhote Yadav, Ganesh Kumar and Chinku Kumar. Petitioner no.1 gave garasa blow upon the head of Shree Yadav and others assaulted others.

Submission is of false implication and that the prosecution parties are veteran criminals, they are aggressors, they have assaulted the bodyguard of the B.D.O. and burnt the government vehicle and for that Sheikhpura P.S. Case No. 143 of 2016 has been registered, on the statement of Kaleshwar Yadav Sheikhpura P.S. Case No. 144 of 2016 has been registered against the prosecution party including Shree Yadav and others, one of the co-accused Kaleshwar Yadav @ Kale Yadav has been allowed pre-arrest bail, against petitioner no.2 there is no allegation of causing injury to any one, out of animosity the petitioners have been named in the FIR, Shree Yadav has received injuries which are simple in nature caused by hard and blunt substance which is evident from Annexure-7 of the second supplementary affidavit, the petitioners have got no criminal antecedents, one of the co-accused Ranjan Yadav has been allowed regular bail in the light of the observation made by this Hon'ble Court vide Cr. Misc. No. 49053 of 2016 and as such the petitioners also deserve sympathetic consideration.



The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioners by submitting that petitioner no.1 has caused injury to Shree Yadav though doctor has found the same caused by hard and blunt substance and as such petitioner no.1 does not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering that against petitioner no.2, namely, Chhote Yadav @ Chhotu Yadav, there is no allegation of causing any injury and as such the petitioner no.2, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. C.J.M. Sheikhpura in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

Considering the allegation against petitioner no.1, namely, Karu Yadav, his petition stands disposed of with a direction that if within six weeks from today the petitioner no.1 appears before the court below and makes a prayer for regular bail then the learned court below may examine the same and pass appropriate order keeping in its mind that one of the co-accused



almost on similar accusation has been extended the privilege of anticipatory bail. The order on such bail petition may be passed preferably on the same day

(Jitendra Mohan Sharma, J)

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