

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.53193 of 2017**

Arising Out of P.S.Case No.126 Year- 2017 Thana -KUMARKHAND District- MADHEPURA

- =====
1. Indra Narayan Yadav, S/o Late Yadunandan Yadav, resident of Village- Pararia, P.S.- Kumarkhand, District- Madhepura.
  2. Dhiraj Yadav @ Dhiraj Kumar, S/o Gajendra Yadav, Resident of Village- Gidarahi, P.S.- Kumarkhand (Belari O.P.), District- Madhepura.

.... .... Petitioners

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioners : Mr. Krishna Prasad Singh, Sr. Advocate  
For the Opposite Party : Mr. Ahtash Ali Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR**  
**ORAL ORDER**

2      09-11-2017

Heard.

2. The petitioners apprehend arrest in connection with Kumarkhand (Belari O.P.) P.S.Case No.126 of 2017 registered for an offence under Sections 353, 504, 323, 341 and 143 of the IPC and Section 27 of the Arms Act.

3. The informant is a Police Officer and in written report he has alleged that on 21.05.2017, after getting information, he visited at the place of occurrence where he found the petitioners involved in scuffle with the present Mukhiya on account of and thereby created terror among the public.

4. It has been submitted that the present Mukhiya on the day of the occurrence, started earth work over the road which was obstructed by ex-Mukhiya, his son and some local people. In the



said occurrence, none of the person involved in scuffle or any police sustained any injury and so no offence of Section 353 of the IPC and Section 27 of the Arms is made out.

5. The learned APP opposed the submission.

6. On perusal of FIR, I find that the police visited at the place of occurrence and found that scuffle was going on between the Ex-Mukhiya and the present Mukhiya, but none of the person sustained injury in the said scuffle. So far allegation of firing in the air is concerned, it was made at different place. The allegation of causing obstruction in administration of police also appears vague and some of the co-accuseds have been allowed anticipatory bail in Cr.Misc.No.38130 of 2017.

7. Considering the omnibus allegation against the petitioners facts and circumstance of the case, this application for anticipatory bail is allowed. Let the above named petitioners in the event of their arrest or surrender be released on bail on furnishing bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of SDJM, Madhepura in connection with Kumarkhand (Belari O.P.) P.S.Case No.126 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Sanjay Kumar, J)**

B.Kr./-

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