

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61661 of 2017

Arising Out of PS. Case No.-157 Year-2017 Thana- DHAMDAHA District- Purnia

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1. Santosh Yadav, Son of Sri Yogo Yadav,
 2. Yogo Yadav, Son of Late Sanichar Yadav.
 3. Parshuram Yadav, Son of Late Gajo Yadav.
 4. Pankaj Yadav, son of Late Gajo Yadav.
 5. Bijendra Yadav @ Birendra Yadav, son of Late Gajo Yadav.
 6. Niranjana Yadav @ Pathal Yadav, Son of Late Shiv Narayan Yadav, All are resident of Village- Diyara Bishanpur, Police Station -Dhamdaha, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar
For the Opposite Party/s : Mr. Vinod Shankar Modi

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2017 Heard learned counsels for the petitioners, informant and State.

The petitioners are apprehending arrest in a case initially registered for the offences punishable under Sections 147, 148, 149, 323, 341, 387 and 307/34 of the IPC and Section 27 of the Arms Act, wherein subsequently, Sections 25(1-B)a, 26 and 35 of the Arms Act were also added.

The prosecution case is that on 12.07.2017 at about 3.30 PM, 7-8 unknown persons including the petitioners came variously armed when it is specifically alleged that petitioner no.1, Santosh Yadav assaulted with iron rod on the head of the



father of the informant, Dinesh Yadav and when uncle of the informant, Gajendra Yadav came to his rescue, then he was also assaulted. On arrival of police all the accused persons escaped from the place of occurrence.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled. There is counter version of the occurrence also as wife of petitioner no.1 lodged Complaint Case No. 1487 of 2017 and the petitioners' side also received injuries. Moreover, co-accused Gajendra Yadav has been granted regular bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 45399 of 2017.

Learned counsel for the informant submits that there is specific accusation of assault against petitioner no.1.

Considering the fact that there is specific accusation against petitioner no.1 to have assaulted to the father of the informant, causing grievous injury, this Court is not inclined to grant him privilege of anticipatory bail.

Accordingly, the prayer for anticipatory bail of petitioner no.1 is rejected.

However, learned court below may consider the prayer for regular bail of petitioner no.1, if he surrenders within a period of six weeks without being prejudiced by the order of this Court.



So far as petitioner nos. 2 to 6 are concerned, since the accusation against them is omnibus and general, let the above named petitioner nos.2 to 6 be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnia in connection with Dhamdaha P.S. Case No.157 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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