

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1722 of 2017

Arising Out of PS.Case No. -53 Year- 2017 Thana -LAXMIPUR District- JAMUI

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1. Horil Yadav, Son of Lachchu Yadav,
2. Pankaj Yadav, Son of Horil Yadav,
3. Fulo Yadav @ Fuleshwar Yadav, Son of late Lachhu Yadav,
4. Rabindra Yadav @ Arabind Yadav, Son of Fulo Yadav @ Fuleshwar
Yadav, All Resident of Village- Dholkatwa, Nagdi Moh, P.S.- Gidhaur,
District- Jamui.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Sinha

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 28-07-2017 Submission of the learned counsel for the appellants is that during the pendency of the case, appellant no.1 and 3 have surrendered in the court, as such this appeal with respect of appellant nos. 1 and 3 has become infructuous.

So far appellant no.4 is concerned, it is submitted on behalf of appellants that the police has not sent up him for trial, as such he is not pressing his appeal.

In view of submission of the learned counsel for the appellants, this appeal with respect to appellant nos.1 (Horil Yadav), 3 (Fulo Yadav @ Fuleshwar Yadav) and 4 (Rabindra Yadav) is dismissed as withdrawn.

Though the case has come under the heading “To be



mentioned” but parties are present, as such it is taken up for disposal.

So far case of appellant no.2 is concerned, it is submitted on behalf of the appellants that except the general and omnibus allegation of assault on the persons of the informant there is no allegation of taking caste name as well as there is no allegation against this appellant and allegation of assault is against the other appellants. There is general and omnibus allegation against all the appellants including appellant no.2.

In view of the above facts and circumstances, this appeal is allowed against appellant no.2.

Let appellant no.2 (Pankaj Yadav) in the event of arrest or surrender before court of Special Judge within a period of four weeks from date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of like amount each to the satisfaction of the learned A.C.J.M. 3rd, Jamui in connection with Laxmipur (Gidhaur) P.S.Case No.53 of 2017, subject to condition as laid down under Section 438 (2) of Cr. P. C., after setting aside order dated 17.5.2017 passed by Addl. District & Sessions Judge Ist, Jamui in A.B.P. No. 343 of 2017, subject to further condition that appellant no.2 will co-operate in



investigation of the case and will appear before the Investigating Officer as and when required, failing which his bail bond shall be liable to be cancelled.

(Vinod Kumar Sinha, J)

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