

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.812 of 2017

Arising Out of PS.Case No. -652 Year- 2016 Thana -BANKA District- BANKA

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1. Deepak Yadav Son of Sadhu Prasad Yadav.
 2. Prince Kumar Yadav @ Prince Kumar, son of Radhe Yadav.
 3. Kapil Deo Yadav @ Kapil Deo Kr Yadav, Son of Umesh Yadav.
 4. Dilip Yadav, @ Dilip Kumar Yadav, son of Madhav Yadav.
 5. Savitri Devi, Wife of Subodh Yadav
 6. Ushma Devi, Wife of Umesh Yadav, all Residents of Village Kadra Pathar, P.S. Banka, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwary

For the Opposite Party/s : Mr. Sri Satyavarat Verma

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 04-02-2017 Prayer for pre-arrest bail of the petitioner Binod Yadav has already been dismissed as withdrawn as he has been arrested.

Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Banka P.S. Case No. 652 of 2016/ G.R. No. 2367 of 2016 for the offences punishable under sections 447, 341, 323, 337, 427, 354, 379, 307, 504, 506 and 34 of the I.P.C and section 27 of the Arms Act.

Allegedly, the petitioners and co-accused variously



armed came at the house of the informant and started abusing which was protested and then Dilip Yadav started assaulting the son of the informant with lathi, Sabitri Devi and Ushma Devi entered into the house and started assaulting the daughter-in-law of the informant and all the accused persons damaged the tempo of the informant with bricks and stones and further damaged the door and window, Deepak Yadav, Prince Kumar Yadav, Dilip Yadav and Kapildeo Yadav also after assaulting entered into the house and took away the house hold articles, further the accused persons threw bricks and stones on the vehicle and then Rajeev Kumar Yadav and his in-laws fled away otherwise they might have been killed by the accused persons.

Submission is of false implication and that there is case and counter case, the case lodged by the petitioner's side is earlier, the informant and his men are aggressors, both sides have received injuries, there was free fight between the parties, no offence under section 307 I.P.C. is made out, there is no injury report in the case diary and the informant has herself stated in her restatement that she has sustained simple injury and as such the petitioners deserve sympathetic consideration as the allegation under section 379 I.P.C. is super-addition.

The learned A.P.P. opposes prayer for pre-arrest bail



of the petitioners.

In the facts and circumstances as stated above, considering that there is case and counter case, both sides have received injuries which are simple in nature and as such the petitioners, in case of their 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 bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. C.J.M. Banka in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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