

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56712 of 2017

Arising Out of PS.Case No. -131 Year- 2017 Thana -KUMARKHAND District- MADHEPURA

- =====
1. Ashok Yadav
 2. Raj Kishore Yadav
 3. Shyamnandan Yadav
 4. Vinod Yadav
 5. Ramchandra Yadav
 6. Rupesh Kumar
 7. Santan Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal
For the State : Mr. Sri Aditya Narayan Singh 1
For the informant : Mr. Shekhar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 14-12-2017

Heard both sides.

The petitioners apprehend their arrest in Kumarkhand P.S. case No. 131 of 2017 under Section 307 and other Sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that cow of his neighbour came to his Darwaja and when the informant protested the accused persons came and assaulted the informant and his son. Ashok Yadav, petitioner No.1, is alleged to have assaulted Sunil Kumar, son of the informant, with Farsa and Santan Yadav, petitioner No.7, is alleged to have caused fire arm injury on the hand of Sunil Kumar.

The learned counsel for the petitioners submits that there is a case and counter case. From the side of petitioners Kumarkhand P.S. case No. 132 of 2017 is registered under Section



307 and other Sections of the IPC and under Section 27 of the Arms Act. Sunil Kumar, son of the informant, is only injured. Sunil Kumar got simple injury caused by fire arm. No injury caused by Farsa is found on the person of Sunil Kumar. It is further submitted that a medical board was constituted and injury found on the person of Ashok Yadav, petitioner No.1 and informant of Kumarkhand P.S. case No. 132 of 2017, is found to be grievous in nature.

On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for anticipatory bail and submitted that petitioners have stated in paragraph 3 of the petition that petitioners have got no criminal antecedent but petitioner No.1, Ashok Yadav, is accused in Kumarkhand P.S. case No. 22 of 1997 and he is still absconding. It is further submitted that from perusal of Annexure-3 and 3/A it would appear that Sunil Kumar, son of the informant, got two injuries, one by sharp cutting weapon and other by fire arm attributed to Ashok Yadav, petitioner No.1, and Santan Yadav, petitioner No.7.

Considering the fact that Ashok Yadav is alleged to have assaulted Sunil Kumar, the son of informant, with Farsa and Santan Yadav is alleged to have fired causing injury on the hand of Sunil Kumar and the doctor found injury on the hand of son of informant and it has also come that Ashok Yadav has got criminal antecedent and he is still absconder in Kumarkhand P.S. case No. 22 of 1997, I am not inclined to enlarge the petitioner No.1., Ashok Yadav, and petitioner No.7., Santan Yadav, on anticipatory bail. Accordingly, the same is rejected.

So far as petitioners Nos. 2 to 6 are concerned, there



is no specific allegation of assault against them.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners Nos. 2. Raj Kishore Yadav, 3. Shyamnandan Yadav, 4. Vinod Yadav, 5. Ramchandra Yadav and 6. Rupesh Kumar in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Kumarkhand P.S. case No. 131 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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