

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18760 of 2017

Arising Out of PS.Case No. -122 Year- 2015 Thana -CHANDAN District- BANKA

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1. Tetu Yadav, son of Late Kesho Yadav,
2. Khiro Yadav, Son of Tetu Yadav,
3. Ramesh Yadav @ Chutar Yadav, S/o Tetu Yadav,
4. Manoj Yadav, S/o Tetu Yadav,
5. Binod Yadav, S/o Tetu Yadav,
6. Birma Yadav, W/o Tetu Yadav,
7. Dewanti Devi, W/o Khiro Yadav, All resident of Village- Joktaha, P.S.- Chandan (Anandpur O.P.), District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 08-05-2017 The petitioners are apprehending their arrest in connection with Chandan (Anandpur O.P.) P.S. Case No. 122 of 2015, registered for offences punishable under Sections 147, 148, 149, 341, 323, 324, 320, 308 and 504 Indian Penal Code.

Allegations against the petitioner is of assault on the informant.

It has been submitted on behalf of the petitioners that all the allegation levelled against the petitioners are only general and omnibus in nature and though it is alleged that petitioner no. 3, namely, Ramesh Yadav, assaulted the informant by means of farsa on the head of the informant and the injury was found to be



grievous in nature, however, there is case and counter case between the parties and persons from petitioners' side have also received injuries.

Heard learned A.P.P. and learned counsel for the informant, they have opposed the prayer for bail.

Having heard both sides, considering the facts and circumstances of the case, nature of offence and also that only general and omnibus allegations have been levelled against petitioner nos. 1, 2, 4, 5, 6 and 7, as such, let the petitioner nos. 1, 2, 4, 5, 6 and 7, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate -1st Class, Banka, in connection with Chandan (Anandpur O.P.) P.S. Case No. 122 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners shall cooperate in the



investigation and make themselves available as and when required by the police and on the event of failure on their part two appear before the police on two consecutive dates without showing any genuine reasons, the prosecution will be free to move for cancellation of their bail bonds.

So far petitioner no. 3, namely, Ramesh Yadav @ Chutar Yadav is concerned, there is specific allegation against him that he assaulted the informant on his head by means of *farsa* and the injury was also found to be grievous in nature, as such, I am not inclined to grant him bail, his application for grant of anticipatory bail is accordingly rejected.

Let petitioner, no. 3, namely, Ramesh Yadav @ Chutar Yadav surrender before the court below and pray for regular bail, which will be considered by the court below on the merit of the case, without being prejudiced by the order of this Court.

(Vinod Kumar Sinha, J)

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