IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28069 of 2017

Arising Out of PS.Case No. -604 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Sanjay Yadav, Son of Raj Kishor Yadav,
2. Ranjay Yadav, Son of Raj Kishor Yadav,
3. Ajay Kumar @ Ajay Yadav, Son of Bimal Yadav,
4. Raj Kishor Yadav, Son of Churan Yadav, All Resident of Village- Bishanpur , P.S.- Saharsa Sadar, O.P.- Sonbarsa, Kachahari, District- Saharsa.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :
For the Petitioners : Mr. Amarnath Jha, Advocate.
For the Opposite Party : Mr. Ramchandra Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Saharsa Sadar P.S. Case No. 604 of 2016 for the offences instituted under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the IPC.

The prosecution story, in brief, is that the informant had land dispute with the accused and he has been cultivating the land in dispute fifteen days before he had planted paddy crops. On 17.07.2016 at 4.30 P.M. Ranjay Yadav, Sanjay Yadav, Ajay Yadav, Dilip Yadav, Raj Kishore Yadav, Bimal Yadav and 7-8

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unknown persons armed with Lathi, rod, pistol were ploughing the land through tractor. On information, he was going to the field. On the way, Ranjay Kumar and Sanjay Yadav fired but the same hit Ajay Yadav of their side. Ajay Yadav and Dilip Yadav assaulted him with rod on his head causing swelling. Sanjay Yadav his tooth with the butt of the pistol. Raj Kishore Yadav took chain and Bimal Yadav took Rs. 5,000/- from his plant. Upon coming of the parsons of the vicinity they went away while threatening.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. Both sides have been injured in course of the occurrence. The offence under Section 307 IPC is not made out against the petitioners.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. There is specific allegation of assault against the petitioner nos. 1 and 3. As far as petitioner nos. 2 and 4 are concerned, there is general and omnibus allegation against them.

Considering the aforesaid facts and circumstances, let the petitioner nos. 2 and 4 namely, Ranjay Yadav and Raj Kishor Yadav above named, be released on bail in the event of their arrest

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or surrender before the learned court below within a period of six weeks from today in connection with Saharsa Sadar P.S. Case No. 604/2016 on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saharsa, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner nos. 1 and 3, namely, Sanjay Yadav and Ajay Kumar @ Ajay Yadav. The same is rejected in connection with Saharsa Sadar P.S. Case No. 604/2016, pending in the court of learned C.J.M. Saharsa. If the petitioner nos. 1 and 3 surrender in the court below and file regular bail application, the same shall be considered on its own merit without being prejudiced by the order of this Court.

(Sudhir Singh, J)

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