

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35041 of 2017

Arising Out of PS.Case No. -79 Year- 2017 Thana -BHORE District- GOPALGANJ

- =====
1. Gopal Yadav, son of Badri Yadav
 2. Bhola Yadav, son of Badri Yadav
 3. Birendra Yadav @ Birendra Chaudhary, son of Pahalu Yadav @ Pahalu Chaudhary
 4. Sheonath Yadav @ Sheonath Chaudhary, son of Pahalu Yadav @ Pahalu Chaudhary
 5. Shankar Yadav @ Shankar Chaudhary, son of Pahalu Yadav @ Pahalu Chaudhary
- All resident of village- Hussepur Bazar Tola, P.S. Bhorey, District-Gopalganj. Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Pandey No-5, Advocate

For the Opposite Party : Mr. Smt. Renuka Ratnakar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 10-08-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in connection with Bhore P.S. Case No. 79 of 2017 (G.R. No. 942 of 2017), registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, and 34 of the Indian Penal Code.

Allegedly, in the occurrence the petitioner Gopal Yadav and Bhola Yadav came with farsa and assaulted the informant and his son Harendra Yadav.

Submission is of false implication and that there is case and counter case. Land dispute is going on between the parties. Injury received by the informant and his son are not dangerous for life and, as



such, the petitioners deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that against the **petitioner no.1. Gopal Yadav and petitioner no.2. Bhola Yadav**, there is specific allegation for assaulting with farsa and, as such, I am not inclined to grant privilege of pre-arrest bail to them and accordingly their such prayer stands **rejected**.

However considering that against **petitioner no. 3. Birendra Yadav @ Birendra Chaudhary, petitioner no. 4. Sheonath Yadav @ Sheonath Chaudhary and petitioner no.5. Shankar Yadav @ Shankar Chaudhary**, there is no specific allegation for assaulting against them and, as such, in the event 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 learned Additional Chief Judicial Magistrate, XII, Gopalganj, in connection with Bhore P.S. Case No. 79 of 2017 (G.R. No. 942 of 2017), subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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