

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34503 of 2017

Arising Out of PS.Case No. -111 Year- 2017 Thana -MAKHDUMPUR District- JEHANABAD

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1. Rakesh Kumar @ Rakesh Yadav @ Rajesh Kumar son of Sri Rajeshwar Yadav
 2. Akhilesh Yadav, son of Sri Vijay Yadav
 3. Rajeshwar Yadav, son of Late Ramanand Bind
 4. Chhoti Yadav, son of Sri Rajeshwar Yadav
 5. Funtus Bind, son of Sri Lalbabu Bind
 6. Saryun Bind @ Sarjug Bind, son of Sri Liladhar Bind
 7. Kaypee Bind @ K.P. Bind, son of Sri Sarjun Bind
 8. Guddu Bind, son of Sri Sarjun Bind
 9. Shivpati Bind, son of Sri Buttu Bind
 10. Ajay Bind, son of Sri Lalbabu Bind All are Resident of Village- Mohan Bagicha, P.S.- Makhdumpur, District- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Murari Prasad Sinha

For the Opposite Party/s : Mr. Sri Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 16-08-2017 Heard both sides.

The petitioners apprehend their arrest in Makhdumpur P.S. case No. 111 of 2017 under Section 307 and other Sections of the Indian Penal Code.

The informant, Krishna Yadav, named 19 persons, including the ten petitioners, and alleged that they, without any rhyme and reason, having armed with different weapons, entered into his house and assaulted him and his wife.



The learned counsel for the petitioners submits that there is counter version being Makhdumpur P.S. case No. 114 of 2017 in which the informant, Krishna Yadav, is also one of the accused. The informant alleged that wife of Rakesh Kumar had died and she was being taken for cremation but the accused persons objected the cremation of wife of Rakesh Kumar on the aforesaid land and thereafter the accused persons, including the informant of the present case, came and assaulted the informant and his family members and also took away different articles. It is submitted that one injury was found on the person of Krishna Yadav, informant of the present case, which is lacerated wound over back of right ear and complains of pain all over the body. The injury is simple in nature. Wife of Krishna Yadav also got one lacerated wound and complains of pain all over the body. There is no such injury found on the person of Krishna Yadav and his wife to show that informant and his wife were brutally or repeatedly assaulted by the accused persons. There appears that on account of some dispute with regard to cremation on a land some scuffle took place between the two sides. No specific allegation of assault is made against the petitioners.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above



named, 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 Sub divisional Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. case No.111 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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