

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.178 of 2017

Arising Out of PS.Case No. -122 Year- 2016 Thana -BIHIYA District- BHOJPUR

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1. Hridaya Yadav, son of Purnamasi Yadav,
2. Bahadur Prasad son of Sudama Prasad, Both residents of village -
Bharsara, Police Station - Bihiya, District - Bhojpur.
..... Petitioners

Versus

The State of Bihar.

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rahul Nath
For the Opposite Party/s : Mr. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 11-01-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners are accused in connection with
Bihiya P.S. Case No. 122 of 2016, registered under Sections
147, 148, 149, 341, 323, 307, 427, 379, 504, 506 and 353 of the
Indian Penal Code and Section 27 of the Arms Act.

The accusation is that when informant along with his
brother and his body guard was returning from Bihiya market
then in the way, 13 persons named in the F.I.R. along with 20 to
25 unknown surrounded the vehicle of the informant and started
to cause assault Sujit Kumar, younger brother of the informant.
When the informant made protest then he was also abused. On
protest made by the Body Guard of the informant, Tez Narayan



caught hold him and Bira Yadav assaulted him through piece of bamboo at the head of the informant, but his body guard caught hold the pieces of bamboo. Thereafter, informant, his brother and body guard started fleeing in the meantime, firing was started from the back.

Learned counsel for the petitioners submits that while petitioners are said to be the member of the mob, but no overt act has been attributed against the petitioners. Further submission is that there is specific allegation against Tez Narayn, who caught hold the body guard of the informant and Bira Yadav tried to cause injury at the head of the informant through bamboo. Further submission is that petitioners have no criminal antecedent.

Having regard to the facts and the circumstances of the case, the petitioners, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) two sureties of the like amount each to the satisfaction of the 3rd Addl. Sessions Judge, Bhojpur, Ara in connection with Bihiya P.S. Case No.122 of 2016.

(Rajendra Kumar Mishra, J)

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