

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46378 of 2016

Arising Out of PS.Case No. -109 Year- 2016 Thana -RAFIGANJ District- AURANGABAD

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1. Ram Pravesh Yadav S/o Karu Yadav
 2. Awadhesh Yadav S/o Karu Yadav
 3. Karu Yadav S/o Dukhan Yadav
 4. Sugan Yadav S/o Awadhesh Yadav.
 5. Mukesh Yadav S/o Ram Prabesh Yadav All are resident of Village- Chand Bigha, P.S.- Rafiganj, District- Aurangabad.
 6. Kali Yadav S/o Bishundeo Yadav, resident of Village- Masaunda, P.S.- Rafiganj, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Adv.

For the Opposite Party/s : Mr. Abhay Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-01-2017 At the outset of argument learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition of petitioner no. 4 Sugan Yadav.

Prayer is allowed. The anticipatory bail petition of petitioner no. 4 Sugan Yadav is dismissed as withdrawn.

Heard both sides.

The petitioners no. 1, 2, 3, 5 and 6 apprehend their arrest in Rafiganj P.S. Case No. 109/2016, registered for the offences punishable under Section 307 and other sections of the Indian Penal Code.

Petitioners are alleged to have armed with different



weapons came. Sugan Yadav assaulted the wife of the informant with Bhala on her head. On the order of Karu Yadav petitioner no. 3, Gita Devi daughter-in-law of the informant was assaulted by the accused persons. The informant was assaulted by the petitioners and others after being taken to far away from his house.

Learned counsel for the petitioners submits that save and except Satan Yadav (informant) all the injured got simple injuries. The informant alleged that Mahesh Yadav pressed his chest and jumped on his chest on the order of Karu Yadav, Awadhesh Yadav, Mahesh Yadav, Ram Pravesh Yadav and Sugan Yadav assaulted him on his left leg, but only one injury on account of fracture of tibia was found and no specific allegation of assault is made against the petitioners. No other injury was found on the persons of the informant. Petitioners are next door neighbor of the informant and on account of land dispute, the occurrence took place.

Considering the facts aforesaid and the fact that there is omnibus and general allegation of assault made against the petitioners and only one injury that too on account of fracture of tibia of left leg is found on the person of the informant, but the injury is opined to be grievous in nature, the petitioners no. 1, 2, 3, 5 and 6 above-named in the event of their arrest or surrender



before the 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) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in connection with Rafiganj P.S. Case No. 109/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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