

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 23426 of 2017

Arising Out of PS.Case No. -323 Year- 2015 Thana -WAZIRGANJ District- GAYA

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1. Rajdeo Yadav, Son of Late Modi Yadav.
 2. Rajendra Yadav, Son of Late Sitaram Yadav.
 3. Balchand Yadav, Son of Late Ram Kishun Yadav.
 4. Kailash Yadav, Son of Rajendra Yadav.
 5. Pappu Yadav, Son of Rajendra Yadav.
 6. Vikash Kumar, Son of Ramjee Yadav.
 7. Arvind Yadav, Son of Birendra Yadav.
 8. Awadh Prasad, Son of Ramashish Prasad.
 9. Ajay Kumar, Son of Jitendra Prasad.
 10. Ashok Yadav, Son of Mahendra Yadav.
 11. Rajeev Kumar, Son of Mahendra Yadav,
- All are R/o Village- Kenar Paharpur Tola Maya Bigha, P.S.- Wazirganj,
District- Gaya.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha, Advocate
For the State : Mr. Tarun Prasad Mandal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-07-2017

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in Wazirganj P.S.
Case No. 323 of 2015 dated 27.07.2015 instituted under Sections
147/341/323/324/379/307/504 of the Indian Penal Code and 27 of the
Arms Act.

3. The allegation against the petitioners is of general
assault and specific against the petitioners no. 4 and 9 of assault by



khanti.

4. Learned counsel for the petitioners submitted that there was altercation between the parties and both sides have sustained injuries and there is a counter case and the dispute related to use of public passage for which even *Panchayati* was held. It was further submitted that similarly situated 11 co-accused have been granted anticipatory bail by order dated 17.05.2016 in Cr. Misc. No. 4248 of 2016.

5. Learned A.P.P. submitted that though the allegations are general and omnibus but against petitioners no. 4 and 9, it is specific of assault by *khanti*, which is a sharp edged weapon, and the injury report corroborates the same.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners no. 1, 2, 3, 5, 6, 7, 8, 10 and 11 be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in Wazirganj P.S. Case No. 323 of 2015, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The petitioners and the bailors shall execute bond



with regard to good behaviour of the petitioners. The petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The prayer for anticipatory bail of the petitioners no. 4 and 9 stands rejected.

(Ahsanuddin Amanullah, J.)

P. Kumar

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