

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28428 of 2017

Arising Out of PS.Case No. -32 Year- 2017 Thana -SONO District- JAMUI

- =====
1. Gorelal Yadav, son of Rajendra Yadav,
 2. Satan @ Satan Yadav @ Satya Narayan Yadav, son of Late Jagdish Yadav,
 3. Brahmdeo Yadav, son of Late Jagdish Yadav, all are residents of Village-Bhelwa Mohanpur, Police Station- Sono, District- Jamui.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.28763 of 2017

Arising Out of PS.Case No. -32 Year- 2017 Thana -SONO District- JAMUI

- =====
1. Mahesh Yadav, Son of Brahmdeo Yadav
 2. Umesh Yadav, Son of Brahmdeo Yadav
 3. Shailesh Yadav Son of Brahmdeo Yadav All are residents of Village-Bhelwa Mohanpur, Police Station-Sono, District-Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.28428 of 2017)

For the Petitioner/s : Mr. Pramod Kumar, Advocate.
For the State : Mr. Sri Panchanand Pandit, APP
For the Informant : Me. Rakesh Ranjan, Advocate.

(In Cr.Misc. No.28763 of 2017)

For the Petitioner/s : Mr. Pramod Kumar, Advcoate.
For the State : Mr. Sri Mritunjay Kumar Nirala, APP
For the Informant : Me. Rakesh Ranjan, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

3 01-09-2017 Learned counsel for the petitioners submits that

Brahmdeo Yadav, petitioner no. 3 of Criminal Misc. No. 28428 of



2017, has been arrested by the police, so he seeks permission with withdraw this application with respect to petitioner no. 3, Brahmdeo Yadav.

Permission is accorded.

Accordingly, this application is dismissed as withdrawn with respect to petitioner no. 3, Brahmdeo Yadav of Criminal Misc. No. 28428 of 2017.

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

The petitioners apprehend their arrest in connection with Sono P.S. Case No. 32 of 2017, registered under Sections 147, 148, 149, 323, 325, 379, 504 and 307 of the Indian Penal Code.

The accusation is that, at about 9 A.M., on 18.02.2017, when the informant reached in the village from market then petitioners along with Rajendra Yadav and five unknown having armed with pistol, knife, rod and Bhala reached near him. At that time, Rajendra Yadav opened fire at the informant and gave order to kill him, on which, petitioners, Satan Yadav, Umesh Yadav and Gorelal Yadav made attempt to cause injury through iron rod while he started to fee away and entered in the house of Tinku Yadav, where they also assaulted to him through iron rod and



knife, in which, he sustained injury. At that time, petitioners, Mahesh Yadav and Shailesh Yadav took cash of Rs.2,000/- from his pocket.

Learned counsel for the petitioners submits that while the petitioners are named in the F.I.R. but the specific allegation is against petitioners, Satan Yadav, Umesh Yadav and Gorelal Yadav, to cause injury to the informant. Moreover, only three injuries were found on the person of the informant, out of which, one is swelling on the forehead and two are fracture injuries of lower end of right tibia and ulna bone.

However taking into consideration and the nature of allegation against the petitioners, let the petitioners, namely, Mahesh Yadav and Shailesh Yadav, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Jamui, in connection with Sono P.S. Case No. 32 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioners, Satan



Yadav, Umesh Yadav and Gorelal Yadav, I am not inclined to grant anticipatory bail to them. Accordingly, their prayer for grant of anticipatory bail stands rejected. They are directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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