

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2811 of 2017

Arising Out of PS.Case No. -153 Year- 2016 Thana -MAIRWA District- SIWAN

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1. Krishna Yadav S/o Suresh Yadav
 2. Om Yadav S/o Suresh Yadav
 3. Suresh Yadav S/o Paras Yadav
 4. Ankur Yadav S/o Satyendra Yadav
 5. Seema Devi W/o Srikant Yadav All are residents of Village - Fulwaria,
P.S. - Mairwa, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh

For the Opposite Party/s : Mr. Sri Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 10-02-2017 Heard the learned counsel for the petitioners as well
as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Mairwa P.S. Case No. 153 of 2016 for the offences punishable under sections 147, 148, 149, 341, 342, 333, 337, 338, 353, 427, 307, 272, 273, 420, 504 and 506 of the I.P.C and sections 47, 53 (C), 54 and 61 of the Bihar Excise Amendment Act.

Allegedly, in the house of Sateyendra Yadav raid was conducted but Sateyendra Yadav fled away and on search from the house from possession of Gayatri Devi wife of Sateyendra Yadav



105 bottles each containing 200 ml. country made liquor were recovered and from other two places also 60 bottles of 200 ml were recovered. In the meantime the petitioners and other co-accused attacked on the police party and started throwing brick bats, any how the police party saved themselves in the house of Chaukidar Bikash Kumar Yadav, the police of other police station reached there, thereafter some persons were arrested including Gayatri Devi wife of Sateyendra Yadav.

Submission is of false implication and that for the same occurrence two persons have lodged separately two cases, i.e. Mairwa P.S. Case No. 153 of 2016 and Mairwa P.S. Case No. 154 of 2016 which has been instituted by Vikash Kumar Yadav, Chaukidar. The prosecution case in both the cases are similar and in both the cases names of the petitioners were given by the Chaukidar who is on inimical term with the petitioners, nothing has been recovered from possession of the petitioners, sofar throwing of brick bats is concerned, there is general and omnibus allegation against all the persons and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that the petitioners have damaged the police jeep by throwing brick bates and further the accused



persons including the petitioners have assaulted the family members of Chaukidar after reaching there.

In the facts and circumstances as stated above, considering that the names of the petitioners have been taken by the Chaukidar who have identified them but there is no specific allegation against them, there is general and omnibus allegation and as such the petitioners, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. C.J.M. Siwan in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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