

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18678 of 2017

Arising Out of PS.Case No. -161 Year- 2016 Thana -BANKA District- BANKA

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1. Sargun Yadav, son of Late Hateshwar Yadav.
 2. Kichar Yadav, son of Late Hateshwar Yadav.
 3. Joga Yadav alias Deepak Kumar alias Poga Yadav, son of Kichar Yadav.

All rare resident of village-Chakkadih, P.S. Banka, District-Banka.

4. Rajesh Yadav, son of Karu Yadav, resident of village-Puranachak, P.S. Amarpur, District-Banka.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 12-09-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State.

The petitioners apprehend their arrest in connection with Banka P.S. Case No.161 of 2016 registered under Sections 341, 323, 308, 379 and 504/34 of the Indian Penal Code.

The accusation is that on 22.03.2016 at about 01.30 P.M., the informant Khesari Yadav was present at his house. At that time, his Gotiya petitioner no.1 Sargun Yadav came and asked the informant to give Rs.500/- as due upon him to which the informant replied him that he will give the money after Holi festival but the petitioner no.1 Surgun Yadav was adamant on his



demand and asked the informant that otherwise he is carrying his bicycle. When the informant restricted the petitioner no.1 Sargun Ram, he started abusing the informant. In the meantime, the petitioner nos.2 to 4 also came there. At that time, the petitioner no.1 Sargun Yadav caused injury at the forehead of the informant through iron rod. Kumita Devi, the wife of the informant, was also assaulted by the petitioner no.1 Sargun Yadav on her forehead by iron rod.

Learned counsel appearing on behalf of the petitioners submits that while the petitioner nos.2 to 4 are named in the F.I.R. but no specific allegation has been attributed to them. So far as the petitioner no.1 Sargun Yadav is concerned, while there is allegation against him in the F.I.R. that he caused injury at the forehead of the informant and his wife but the one injury as found on the forehead of the wife of the informant is simple in nature whereas three injuries were found on the forehead of the informant, which are said to be caused by hard and blunt substance, regarding which the opinion has been kept reserved by the doctor.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner no.1 Sargun Yadav, I am not inclined to grant anticipatory bail to the petitioner



no.1 Sargun Yadav. Accordingly, the prayer of the petitioner no.1 Sargun Yadav for grant of anticipatory bail stands rejected.

So far as the petitioner nos.2 to 4, above named, are concerned, let the petitioner nos.2 to 4, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in connection with Banka P.S. Case No.161 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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