

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43775 of 2018

Arising Out of PS. Case No.-76 Year-2018 Thana- PALIGANJ District- Patna

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1. Akhilesh Yadav,
 2. Raushan Kumar @ Raushan Yadav,
Both are sons of Sidhi Yadav,
 3. Pawan Kumar, S/o Akhilesh Yadav,
 4. Sudheshwar Yadav, S/o Yugal Yadav,
 5. Ranjan Yadav, S/o Sudheshwar Yadav,
 6. Rahesh Yadav @ Rahish Yadav, S/o Suresh Yadav,
- All are resident of Vill.- Madhwa, P.S.- Paliganj, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Sri Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-07-2018 Heard learned Counsel for the petitioners and learned APP
for the State.

The petitioners are apprehending arrest in a case registered
for the offences punishable under Sections
147/148/149/323/337/338/307/504 of the Indian Penal Code and
Section 27 of the Arms Act.

The prosecution case got initiated on the Fardbeyan of
Gorakhlal Yadav, recorded by D. K. Singh, S.I. of Polic, I/c ToP,
PMCH, Patna on 17.03.2018 at 06.05 P.M., to the effect that the
informant has an old land dispute with co-villager Prem Dhar
Yadav. As a result, on 16.03.2018 at 03.30 P.M., 12 accused



persons, including the petitioners, entered into the house of the informant and started abusing and assaulting him. On protest being made, the accused persons pelted stones, as a result, informant's right leg got injured. It is further alleged that co-accused, Aman Kumar, caused fire arm injury on the abdomen of the son of the informant.

It is submitted by learned counsel for the petitioners that the accusation of assault is not levelled against the petitioners. For the occurrence of 16.03.2018, the FIR was registered on 18.03.2018 and it reached to the Court of learned SDJM on 19.03.2018, which suggests that the FIR has been registered by ante-dating. It is further submitted that moreover, other accused persons have been granted anticipatory bail by a co-ordinate Bench of this Court vide Criminal Miscellaneous No. 31964 of 2018. Though, a statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, except petitioner nos. 1 and 3, who are accused in one other case, apart from the present case, but they are on bail in the said case.

Learned counsel for the informant submits that the accusation of firing is against other co-accused person.

Considering the nature of accusation and the fact that



the accusation of firing has not been levelled against the petitioner, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned SDJM, Danapur, in connection with Paliganj P.S. Case No.76 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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