

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53361 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Hari Sah, S/o Yogendra Sah,
 2. Rakesh Yadav, S/o Jagarnath Yadav @ Jainath Kapad,
 3. Rajesh Yadav, S/o Jagarnath Yadav @ Jainath Kapad,
 4. Ram Vikash Yadav @ Vikash Yadav @ Ram Vilash Yadav, S/o
Ravi Yadav @ Ravi Shankar Yadav,
 5. Mukesh Yadav, S/o Prabhu Yadav,
 6. Mahendra Yadav, S/o Late Raja Kapad,
 7. Santosh Kumar @ Santosh Kapad S/o Shambhu Yadav,
 8. Ravi Shankar Yadav, S/o Biadhyanath Kapad,
 9. Baidhyanath Kapad, S/o Late Raja Kapad. All residents of Vill.-
Mahanguwa, P.S.- Kundwachainpur, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Umesh Chandra Verma, Advocate.
For the Opposite Party	:	Mr. Md. Anzarul Haque Sahara, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 20-11-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners are apprehending their arrest in a case
for the offence registered under Sections 147, 149, 323, 307,
354, 354(B), 379, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 11.05.2018
at about 6.00 P.M., the informant Ram Pravesh Yadav was sitting
at his door, all of sudden, these petitioners holding weapons in
their hands came there and abused the informant. Petitioner no.



2 Rakesh Yadav said to have assaulted the informant because he informed to the police about wine. On this, all these petitioners assaulted the informant by kick and fat. Petitioner no. 4 Ram Vikash Yadav wrapped *Gamachha* around the neck of the informant and with an intention to commit murder pulled it. Hearing sound, when the informant's wife came in rescue, petitioner no. 2 Rakesh Yadav caught her hair and dashed and torn her clothes, due to which, she became nude to some extent. Petitioner no. 5 Mukesh Yadav took out Rs. 5000/- from the pocket of the informant. Petitioner no. 8 Ravi Shankar Yadav snatched gold-chain from the neck of the informant's wife. The accused persons were holding in their hands and threatened that if the informant will say about the occurrence to any one, they will kill him.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. There is case and counter case between the parties. No deadly weapon is said to have been used in course of occurrence. From bare perusal of F.I.R., it appears that no injury is said to have been caused by the petitioners. No



specific overt act is alleged against the petitioners. General and omnibus allegation has been made against the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikrahana at Dhaka, East Champaran in connection with Kundwachainpur P.S. Case No. 68 of 2018, G.R. Case No. 570 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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