

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5183 of 2018

Arising Out of PS.Case No. -32 Year- 2017 Thana -LAUKAHI District- MADHUBANI

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1. Vijay Yadav, Son of Late Baulal Yadav,
2. Bhagwan Lal Yadav, Son of Late Mahavir Yadav,
3. Yogendra Yadav @ Yogendra @ Jogan Yadav, Son of Laxmi Yadav,
4. Teknarayan Yadav, Son of Bachu Yadav,
5. Budhan Yadav, Son of Late Mahavir Yadav, All are resident of Village- Chichodhawa, P.S.- Laukahi, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Sri Rajeev Nayan

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 07-02-2018

Heard both sides.

The petitioners apprehend their arrest in Laukahi P.S. case No. 32 of 2017 under Section 307, 436 and other Sections of the Indian Penal Code.

The informant, Rajendra Yadav, named the petitioners along with others and alleged that they along with 30-35 unknown persons, having armed with different weapons, came and surrounded the informant. The accused persons were abusing the informant. When the informant protested Hari Yadav, Ramchandra Yadav and Yogendra Yadav assaulted the informant with butt of gun on different parts of his body. Baiju Yadav, Vijay



Yadav, petitioner No.1, and Tek Narayan Yadav, petitioner No. 4, assaulted the informant with iron rod. Bhagwan Lal Yadav is said to have assaulted the informant with Farsa on his head. On the order of Nand Lal Yadav, Budhan Yadav, petitioner No.5, is alleged to have set ablaze the house of informant.

The learned counsel for the petitioners submits that there is counter version being Laukahi P.S. case No. 31 of 2017. The informant alleged that firstly 4-5 persons assaulted him with butt of gun and thereafter three accused persons, namely, Baiju Yadav, Vijay Yadav and Yogendra Yadav are alleged to have assaulted the informant with iron rod and Bhagwan Lal Yadav is alleged to have assaulted the informant with Farsa but from perusal of injury report, as contained in Annexure-3, it would appear that informant got one lacerated wound on his head. Another injury is defused tender swelling over chest but both the injuries are opined to be simple in nature. No injury is caused by Farsa. It is submitted that in the counter case accused persons are alleged to have assaulted the informant and others. It is further submitted that police did not find any sign of burning on the place of occurrence and this fact has been stated on oath by the petitioners.

Considering the facts aforesaid and the nature of



allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub divisional Judicial Magistrate, Jhanjharpur, Madhubani in connection with Laukahi P.S. case No. 32 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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