

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68540 of 2018

Arising Out of PS. Case No.-207 Year-2018 Thana- NAUTAN District- West Champaran

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1. Dharikshan Yadav.
 2. Rajendra Yadav. Both sons of Sajjan Yadav.
 3. Dinesh Yadav, S/O DharikshanYadav.
 4. Chumman Yadav @ Chumman Kumar, S/O DharikshanYadav.
 5. Ranjay Yadav @ Ranjay Kumar, S/O Dharikshan Yadav.
 6. Maharaj Yadav, S/O Jag Yadav.
 7. Rambabu Yadav, S/O Bikau Yadav.
 8. Lalchuni Devi @ Lal Muni Devi, S/O Bikau Yadav. All R/O Dakshin Tehua, Khap, P.S. Nautan, District-West Champaran.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Bimlesh Kumar Pandey, Advocate.
For the Opposite Party : Mr. Binod Kumar 3, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2018 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, 148, 149, 341,
323, 324, 307, 379, 504 and 506 of the IPC.

The prosecution story, in brief, is that when the
informant was returning his home and as soon as he reached
near the house of Bikau Yadav, he saw that all the accused
persons including the petitioners armed with *Lathi* and *Farsa*
were opening the door. When Mukesh Yadav came outside of
the house, petitioner no. 5 Ranjay Yadav and petitioner no. 4



Chumman Yadav assaulted him with *Lathi* on back and waist and petitioner no. 3 Dinesh Yadav caused injury by *Farsa* on the head of Mukesh Yadav, when the informant went to rescue Mukesh Yadav then petitioner no. 1 Dharikshan Yadav caused injury by *Farsa* on the head of the informant, when Santosh Yadav came to rescue then co-accused Rupesh Yadav caused injury by *Farsa* on the head. All assaulted by *Lathi* to all these persons of prosecution side. The informant's wife went to save then co-accused Bikau Yadav caused injury by *Farsa* on her head and some one picked up Rs. 5000/- besides mobile of informant during scuffle and Lalmuni Devi took gold chain and nose pin of informant's wife. The villagers came on alarm and took the injured persons to M.J.K. Hospital.

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. It is case and counter case between the parties. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

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 the learned A.C.J.M.- VIth, Bettiah, West Champaran, in connection with Nautan P.S. Case No. 207/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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