

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.58072 of 2018

Arising Out of PS.Case No. -47 Year- 2018 Thana -BIHIA District- BHOJPUR

- =====
1. MITHILESH YADAV @ MITHILESH KUMAR, S/o Rajkumar Yadav,
 2. Subodh Yadav @ Saroj Kumar Yadav @ Subodh Kumar Yadav, S/o Ramashankar Yadav,
 3. Rajkumar Yadav, S/o Chandrama Yadav,
 4. Birendra Yadav S/o Khedan Yadav,
 5. Shalendra Kumar Yadav @ Shalendra Yadav, S/o Birendra Yadav, All R/o Vill.- Bhojachak, P.S.- Bihiya, District- Bhojpur at Ara.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Rama Kant Singh, Advocate.

For the Opposite Party : Mr. Kumar Virendra Narayan, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-10-2018 A supplementary affidavit has been filed on behalf of the petitioners. Let it be kept on record.

Learned counsel for the petitioners is permitted to make necessary corrections in paragraph no. 3 of the bail application in light of supplementary affidavit filed on behalf of the petitioners.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 148, 341, 323, 325,



307, 354(A), 379, 427, 337, 120(B) of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 24.01.2018 at about 7.00 A.M. the informant was in his house, in the meantime, petitioner nos. 4, 5 and co-accused Satyendra Yadav came when petitioner no. 4 Birendra Yadav opened fire with a pistol. The informant tried to flee away but the aforesaid three persons caught him and tied with Electric Pole. Thereafter, petitioner no. 1, co-accused Saroj Kumar Yadav, Jitendra Kumar Yadav, Bahadur Yadav, Rama Shankar Yadav and Ramjee Yadav assaulted him with Iron rod, Lathi and Danda causing injury. Petitioner no. 5 assaulted the informant with Iron rod causing leg injury. Co-accused Ramjee Yadav assaulted him with bricks causing hand and leg injuries. When his mother and Bhabhi came to rescue, petitioner nos. 3, 4 and co-accused Rama Shankar Yadav assaulted his mother. Co-accused Satyendra Yadav and petitioner no. 4 snatched ear-ring, locket and chain from his Bhabhi. They also damaged mobile and motorcycle of the informant. They also assaulted the elder brother of the informant with Lathi. Thereafter, accused fled away. The injured was admitted in hospital.

It has been submitted by learned counsel for the



petitioners that the petitioner no. 2 has 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. The injury is on non-vital part of the body. No offence under Section 307 of the IPC is made out.

On behalf of the learned counsel for the State, it has been 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., Bhojpur at Ara, in connection with Bihiya P.S. Case No. 47 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

U.K./-

U		T	
---	--	---	--

(Sudhir Singh, J)

