

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.62175 of 2018

Arising Out of PS.Case No. -86 Year- 2018 Thana -RAJAON District- BANKA

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1. Ram Narayan Yadav, S/o late Santokhi Yadav @ Late Santoki Yadav @ late Santoshi Yadav.
 2. Ghoghan Yadav @ Pintu Yadav @ Bintu Yadav, S/o Karu Yadav.
 3. Diwakar Yadav, S/o late Jagdish Yadav. All Resident of Village- Sikanpur, Police Station- Rajoun, District- Banka.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Sunil Prasad, Advocate.

For the Opposite Party : Smt. Sahin Begam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-10-2018 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 341, 323, 324, 307, 379
and 385/34 of the IPC.

The prosecution story, in brief, is that when the
informant and his son were returning after seeing the crops and
about 4.00 P.M., reached near the house of petitioner no. 1 Ram
Narayan Yadav, co-accused Abhimanyu Kumar came in drunken
condition and stopped the informant and demanded ransom and on
objection after hearing the noise, co-accused Bal Krishna Yadav



and the petitioners having pistol, rod and Lathi came then co-accused Abhimanyu Kumar assaulted the informant and his son by *Butt* of pistol causing injuries on their head and they fell down on the earth and they snatched one *Bhars* golden chain from the neck of his son and took out mobile from his pocket and when the grand-son of the informant came to rescue them, they also assaulted on his head by *Iron rod* causing injuries on his head and fell down on the earth.

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. The nature of injury is said to be simple. Hence, 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 C.J.M. Banka, in connection with Rajoun P.S. Case No. 86/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

