

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34733 of 2018

Arising Out of PS.Case No. -32 Year- 2018 Thana -RAFIGANJ District- AURANGABAD

=====

1. Rajesh Yadav, Son of Jagdish Yadav.
2. Surendra Yadav, Son of Nanhu Yadav.
3. Brajesh Yadav, Son of Jagdish Yadav.
4. Harkhu Yadav, Son of Sukhdeo Yadav,
5. Manoj Yadav, Son of Nanhu Yadav.
6. Sukhdeo Yadav Son of Late Brahmdeo Yadav All resident of Village-
Mai Bigha, P.S.- Rafiganj, Distt.- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar

For the Opposite Party/s : Mr. Sri Nityanand Tiwary

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 03-07-2018 Heard both sides.

The petitioners apprehend their arrest in Rafiganj P.S.
Case No.32/2018 registered under Sections 147, 148, 341, 323,
324, 307, 504, 379 of the Indian Penal Code, Section 27 of the
Arms Act and Section 3/4 of Prevention of Witchcraft Act.

The informant alleged that Rajesh Yadav and Vinay
Yadav were assaulting his brother Lalu Kumar. The informant
went to save but in the meantime Brajesh Yadav, Dineshwar
Yadav, Jagdish Yadav, Sukhdev Yadav, Manoj Yadav, Surendra
Yadav and Punam Yadav also came there and began to abuse. Co-
accused Vinay Yadav assaulted the informant with farsha on his



head and Rajesh Yadav is alleged to have assaulted him with spear on his right leg. When the father of the informant came to save then Harkhu Yadav and Brajesh Yadav assaulted him with garasha. Punam Yadav @ Ram Pravesh Yadav opened fire.

Learned counsel for the petitioners submits that the petitioners are innocent and in fact no occurrence as alleged by the informant has ever taken place. Rajesh Kumar, the informant lodged Rafiganj P.S. Case No.31/2018 on 28.02.2018 under Sections 147, 148, 149, 341, 329, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act. The informant of this present case, Sunil Kumar and his family members assaulted Rajesh Kumar and his family members on account of the dispute with regard to irrigation of field. Many persons also sustained firearm injury. It is further submitted that the injuries found on the person of the injured are annexed with Annexure-3. Sunil Kumar and his father Baikunth Yadav got simple injury as annexed in Annexure-4 series.

Considering the aforesaid fact and nature of allegation made against the petitioners and the fact that there appears that both sides entered into mutual assault due to dispute with regard to irrigation, 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 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Aurangabad (Bihar) in connection with Rafiganj P.S. Case No.32/2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Amit/-

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

