

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71653 of 2018

Arising Out of PS. Case No.-178 Year-2017 Thana- SAUR BAZAR District- Saharsa

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1. Niraj Kumar, Son of Late Shiv Kumar Yadav,
 2. Subodh Yadav, Son of Late Shiv Kumar Yadav,
 3. Ahilya Devi, Wife of Late Shiv Kumar Yadav, All residents of Village- Madhura, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ashok Kumar, Advocate.
For the Opposite Party : Mr. Upendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 18-12-2018 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, 379, 307, 504 and 506/34 of the IPC.

The prosecution story, in brief, is that on 21.04.2017 at about 9.00A.M. while the informant Mukesh Kumar was fitting *Tati* at his *Darwaja*, co-accused Nitish Kumar and petitioner no. 1 Niraj Kumar came hurling abuses and made objection and started throwing the *Tati*. In the meantime, his father Ramotar Yadav also arrived there then co-accused Nitish Kumar and petitioner no. 1 Niraj Kumar started assaulting him by means of *Lathi*, *Danda* and *Bamboo*. In the meantime,



petitioner no. 3 Ahilya Devi also came there. co-accused Nitish Kumar went running into his house and brought *Farsa* and gave blow on his head. On hulla, his elder father, namely, Brahmdeo Yadav and his son Ashok Kumar came to save him, co-accused Nitish Kumar and these petitioners assaulted and caused injury. On hulla, other persons also came there and intervened in the matter. In course of occurrence, petitioner no. 2 Subodh Yadav took out Rs. 5,000/- from the pocket of Brahmdeo Yadav.

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. There is case and counter case between the parties. Nature of injury is said to be simple. The matter has already been compromised between the parties vide Annexure-4 to the present application.

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. Saharsa, in connection with Sour Bazar P.S. Case No. 178 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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