

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2249 of 2018

Arising Out of PS. Case No.-189 Year-2017 Thana- SALKHUA District- Saharsa

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1. Chandeshwari Yadav, Son of Mandoop Yadav
 2. Praveen Yadav, Son of Chandeshwari Yadav, Resident of Village - Salkhua Dih, P.S. Salkhua, Dist - Saharsa.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mrs.SANGEETA SHARMA

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 379 and 504/34 of the IPC.

The prosecution case, as per the written report of Arun Prasad Yadav dated 08.09.2017, submitted to the S.H.O., Salkhua Police Station is to the effect that on 05.09.2017, at 9 PM, the informant was attending the Shradh of his neighbour, late Raghunandan Yadav. In the meantime, co-accused Lalan Yadav came and parked the motorcycle at the place where the food was being stored and when nephew of the informant, Rajesh protested, co-accused Lalan Yadav got infuriated. Thereafter, co-accused Lalan Yadav and the petitioners



Chandeshwari Yadav and Praveen Yadav ordered to assault the informant when the wife of Lalan Yadav brought a dagger then co-accused Lalan Yadav caused injury on the left side of abdomen of the informant and also snatched gold chain worth Rs. 30,000/- and took away Rs. 3,600/- and when the son of the informant came to rescue him, he was also assaulted.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against co-accused Lalan Yadav. The petitioners have been implicated in the present case simply because the petitioners are the father and brother of co-accused Lalan Yadav. The injury caused by co-accused Lalan Yadav has been found to be simple. There is no specific accusation against the petitioners. For the occurrence of 05.09.2017, the FIR has been lodged on 08.09.2017. A statement has been made in para 3 of the petition, that petitioner no.1 is involved in two other cases also, but in those cases, he is on bail. Petitioner no.2 is not having any criminal antecedent.

Learned APP submits that the petitioners were the associate of co-accused Lalan Yadav.

Considering the fact that specific accusation of assault has been alleged against co-accused Lalan Yadav and delayed lodging of the case, let the above named petitioners be released



on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-II, Saharsa in connection with Salkhua P.S. Case No. 189 fo 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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