

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57927 of 2018

Arising Out of PS. Case No.-107 Year-2018 Thana- BELAGANJ District- Gaya

1. Upendra Yadav @ Upendra Kumar Yadav, son of Ram Chandra Yadav
2. Mohan Yadav, son of Ram Chandra Yadav
3. Munarik Yadav @ Mundrika Yadav, son of Ram Chandra Yadav
4. Surendra Yadav, Son of Ram Chandra Yadav
5. Shiv Jatan Yadav @ Sheo Ratan Yadav, son of Ramchandra Yadav
6. Akhilesh Yadav @ Akhilesh Kumar, son of Munarik Yadav @ Mundrika Yadav
all are resident of Village-Natupur, P.S.-Belaganj, District-Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav, Adv.
For the Opposite Party/s : Sri J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-09-2018 Heard learned Counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149,307, 323, 341,354,367, 380, 379, 448, 504, 506 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Kamla Yadav, recorded by S. I., K. Anwar of Magadh Medical P.S. Gaya on 01.05.2018 at 13.45 hours, to the effect that on 30.04.2018, at 8.00 P.M., eight accused persons, including six unknown variously armed entered into the house of the



informant. On protest being made, petitioner no.1, Upendra Yadav assaulted on the head of the informant with Garasa. When son of the informant, namely, Anil Kumar came to rescue, then petitioner no.2, Mohan Yadav assaulted on his head with 'khanti', whereas, other accused persons assaulted the son and the husband of the informant with lathi and danda. In the meantime, the daughter-in-law of the informant, namely Punam Devi came to rescue then she was assaulted by petitioner no.1 and gold chain from her neck was also snatched. It is alleged that co-accused, Ravindra Yadav and petitioner no.6, Akhilesh Yadav took out the box from the house of the informant containing Rs.10,000/-.

It is submitted by learned counsel for the petitioners that the injuries of both, the informant and informant's son have been found simple in nature and caused by hard and blunt substance when the accusation is of causing injury by sharp cut weapon. There is counter version of the occurrence also, being Belaganj P.S. Case No.111 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioners are named in the FIR with specific accusation.



Considering the fact that the accusation of assault is not corroborated by medical opinion, though the injuries have been found to be simple in nature and there is counter version of the occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-XI, Gaya, in connection with Belaganj P.S. Case No.107/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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