

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59689 of 2018

Arising Out of PS. Case No.-87 Year-2018 Thana- RAJAON District- Banka

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1. Yadunandan Yadav @ Yadunandan Pd. Yadav, S/o- Chunchun Yadav,
 2. Mritunjay Yadav, S/o- Yadunandan Yadav @ Yadunnandan Pd. Yadav.

Both R/o Vill.- Sikanpur, P.S.- Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

For the Opposite Party/s : Mrs. Sahin Begam. A.P.P.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-09-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504 and 506 of the IPC and Section 27 of the Arms Act.

The prosecution case, as per the written report of Diwakar Yadav, dated 03.02.2018, submitted the Station House Officer, Rajoun Police Station is to the effect that on 02.03.2018, at about 5 PM, when the informant was in his house, all the accused persons including the petitioners came in a drunken condition and started abusing the informant and his family. It is alleged that petitioner No.2, Mritunjay Yadav and co-accused Balmukund Yadav resorted to firing, but it did not



hit anyone, whereas co-accused Girish Yadav and Ram Baran Yadav assaulted the informant and his nephew Tinku Yadav. Co-accused Girish Yadav also assaulted with lathi on the head of the informant and when the brother and brother's wife of the informant came to rescue him, then they were also assaulted. Co-accused Pankaj Yadav snatched earring from the sister-in-law of the informant.

Learned counsel for the petitioner submits that there is no specific accusation against petitioner no.1. However, it is alleged that petitioner no.2, Mritunjay Yadav resorted to firing, but it did not hit anyone. There is counter version of the occurrence also, being Rajoun P.S. Case No. 86 of 2018, registered under Sections 341, 323, 324, 307, 379 and 385/34 of the IPC. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that there is no specific accusation of assault against the petitioners, 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 **Chief Judicial Magistrate, Banka**, in connection with **Rajoun P.S. Case No. 87 of 2018**, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/Deepak/-

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