

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66269 of 2018

Arising Out of PS. Case No.-157 Year-2018 Thana- PHULPARAS District- Madhubani

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1. Sanjay Yadav, Son of Late Yasodhar Yadav,
 2. Shivji Yadav @ Shivji Prasad Yadav, Son of Bhagirath Yadav,
 3. Bal Ram Kumar Yadav @ Balram Yadav, Son of Amrendra Yadav.
 4. Deo Narayan Yadav, Son of Subi Yadaav,
 5. Gaya Dhar Yadav, Son of Kanhaiya Yadav,
 6. Kamleshwer Yadav, Son of Khattar Yadav Kapleshwer Yadav,
All resident of Village- Sisaulni, P.S. Phulparas, District-
Madhubani.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Gagan Deo Yadav, Advocate.
For the Opposite Party : Mr. Sri Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2018 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application on behalf of petitioner no. 4 Deo Narayan Yadav as he has already been taken into judicial custody in connection with Phulparas P.S. Case No. 157 of 2018 pending in the court of learned A.C.J.M.- II, Jhanjharpur, Madhubani.

Permission is accorded.

The anticipatory bail application on behalf of petitioner no. 4 Deo Narayan Yadav is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 1, 2, 3, 5 and 6 and learned A.P.P. for the State.



The petitioner nos. 1, 2, 3, 5 and 6 are apprehending their arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 504 and 506 of the IPC.

The prosecution story, in brief, is that on 22.07.2018 at about 9.00 A.M., the villager of the informant, namely, Ram Bhajan Mandal came at his *Darwaza* and told him that his mother is *Dain* and on protest, he assaulted with *Farsa* on his head. When his father Gyan Datta Yadav and brothers Mahesh Yadav, Ashok Yadav and Ram Narayan Yadav came to rescue, co-accused Devendra Mandal assaulted with *Khanti* on the head of his brother Mahesh Yadav and co-accused Jagdeo Mandal assaulted with *Tengari* on the head of his father Gyan Dutt Yadav and co-accused Ram Adhin Mandal assaulted with *Farsa* on the head of his brother Ashok Yadav. Co-accused Shiv Shankar Mandal, Shiv Narayan Yadav, Mohan Yadav, Din Dayal Pandit, Ram Sevak Pandit, Bhagwat Pandit, Sanjay Yadav (petitioner), Bal Ram Yadav (petitioner), co-accused Deo Narayan Yadav, Gayadhar Yadav (petitioner) and Shivji Yadav (petitioner) assaulted his family members and his villager Ram Narayan Yadav. Thereafter, injured were admitted in Hospital at Phulparas. His father Gyandatta Yadav and his brother Mahesh Yadav were referred to Darbhanga from Phulparas. Co-accused



Ram Bhajan Mandal came at the door of informant and threatened to kill them. Co-accused Devendra Mandal snatched silver *Hasuli* worth Rs. 7000/- when informant's wife came to rescue him co-accused Jagdeo Mandal pushed on the earth by catching her hair.

It has been submitted by learned counsel for the petitioner nos. 1, 2, 3, 5 and 6 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. There is case and counter case between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioner nos. 1, 2, 3, 5 and 6 are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1, 2, 3, 5 and 6 (except petitioner no. 4 Deo Narayan Yadav) 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 A.C.J.M.-
II, Jhanjharpur, Madhubani, in connection with Phulparas P.S.
Case No. 157 of 2018, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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