

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3721 of 2019

Arising Out of PS. Case No.-83 Year-2018 Thana- BASANHI District- Saharsa

1. Naajo Yadav, son of Late Bihari Yadav, Resident of Village- Barsam, Ward no.- 5, P.S.- Basnahi, District- Saharsa.
2. Kameshwar Yadav, son of Naajo Yadav, Resident of Village- Barsam, Ward no.- 5, P.S.- Basnahi, District- Saharsa.
3. Anil Yadav, son of Naajo Yadav, Resident of Village- Barsam, Ward no.- 5, P.S.- Basnahi, District- Saharsa.
4. Ranjay Yadav, son of Naajo Yadav, Resident of Village- Barsam, Ward no.- 5, P.S.- Basnahi, District- Saharsa.
5. Dilip Yadav, son of Naajo Yadav, Resident of Village- Barsam, Ward no.- 5, P.S.- Basnahi, District- Saharsa.
6. Neeraj Yadav, son of Suman Yadav, Resident of Village- Barsam, Ward no.- 5, P.S.- Basnahi, District- Saharsa.
7. Bablu Yadav, son of Anil Yadav, Resident of Village- Barsam, Ward no.- 5, P.S.- Basnahi, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Umeshanand Pandit

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-01-2019 Learned counsel for the petitioners is permitted to make correction in P.S. name given in the address of petitioners, during course of the day.

Heard both sides.

The petitioners apprehend their arrest in Basnahi P.S. Case No.83 of 2018 registered under Sections 307, 379 and other sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that he along with his nephew



and brother were at Kamat, the petitioners and others having armed with different weapons came and started ploughing his lands. On protest, Suman Yadav assaulted the informant with khanti on his head. Sanjay Yadav assaulted Sintu Kumar (nephew of informant) with iron rod on his head. Kameshwar Yadav (petitioner no.2) assaulted Radheshyam Yadav (brother of informant) on his head and hand and Ranjay Yadav (petitioner no.4) and Anil Yadav (petitioner no.3) are alleged to have assaulted Janardan Yadav with stick and during course of assault, accused persons snatched chain made of gold from the neck of his nephew.

Learned counsel for the petitioners submits that Suman Yadav and Sanjay Yadav, who are alleged to have assaulted with khanti and iron rod to informant and Sintu Kumar. Kameshwar Yadav (petitioner no.2) is alleged to have assaulted Radheshyam Yadav on his head and hand and one injury on account of assault of Kameshwar Yadav was found grievous on the body of Radheshyam Yadav. Janardan Yadav, who is alleged to have been assaulted by Ranjay Yadav and Anil Yadav, got simple injury. No specific allegation of assault is made against Naajo Yadav (petitioner no.1), Dilip Yadav (petitioner no.5), Neeraj Yadav (petitioner no.6) and Bablu



Yadav (petitioner no.7).

Having considered the fact that there is no allegation of assault against Najo Yadav (petitioner no.1), Dilip Yadav (petitioner no.5), Neeraj Yadav (petitioner no.6) and Bablu Yadav (petitioner no.7) and on account of assault made by Anil Yadav (petitioner no.3) and Ranjay Yadav (petitioner no.4), Janardan Yadav got simple injury, the petitioners, namely, Najo Yadav (petitioner no.1), Anil Yadav (petitioner no.3), Ranjay Yadav (petitioner no.4), Dilip Yadav (petitioner no.5), Neeraj Yadav (petitioner no.6) and Bablu Yadav (petitioner no.7), in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Saharsa in connection with Basnahi P.S. Case No.83 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far the case of Kameshwar Yadav (petitioner no.2) is concerned, he is alleged to have assaulted Radheshyam Yadav with lathi on his head and hand on account of which



Radheshyam Yadav got three injuries. Out of which, one injury was found grievous on account of fracture of middle bone.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner no.2, Kameshwar Yadav on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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