

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2174 of 2019

Arising Out of PS. Case No.-266 Year-2018 Thana- HISUWA District- Nawada

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1. Arjun Yadav, Son of Late Nathun Yadav.
 2. Satyendra Yadav @ Satyendra Kumar, Son of Arjun Yadav.
 3. Dheeraj Kumar, Son of Umesh Yadav.
 4. Bipin Yadav @ Tutu Yadav, Son of Karu Yadav.
 5. Dharamveer Yadav, Son of Gore Yadav.
 6. Ajay Kumar @ Chhotu Yadav, Son of Kuldeep Yadav.
 7. Rina Yadav @ Dina Yadav, Son of Nathun Yadav.
 8. Binod Yadav, Son of Jago Mahto.
 9. Karu Yadav, Son of Lakhan Yadav. All are residents of Vill-Orro, P.S-Hisua, Distt.-Nawada.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Sheo Kumar Prasad, Advocate.
For the Opposite Party : Mr.Dashrath Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 341, 323, 307, 379, 427 and 504/34 of the IPC.

The prosecution story, in brief, is that on 09.09.2018 at 2.00 P.M., the informant was going to his house from Motorcycle and reached near the house of one Babu Sharan, petitioner no. 1 Arjun Yadav and his companion hurling abuses. In the meantime, petitioner nos. 5 and 6 Dharamveer



Yadav and Ajay Kumar having *Iron rod, Khanti, Lathi-Danda* came near the informant and petitioner no. 1 Arjun Yadav told to assault him then all of them started assaulting him. He fled away towards north of the road to save his life then petitioner no. 2 Satyendra Prasad caught him and petitioner no. 1 Arjun Yadav and all accused persons started assaulting him with respective weapons due to which caused head injury and then people of vicinity save him and informant started went to his house and when reached near Kali Asthan then petitioner no. 7 Dina Yadav and co-accused Ramotar Yadav who were coming by Scorpio, dashed him with intention to kill due to which he was thrown beside the vehicle and his motorcycle damaged. On hearing hulla, people came there and carried him for treatment. Petitioner no. 2 Satyendra Yadav took gold chain from his neck.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsel for the State, it has



been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners 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 C.J.M., Nawada, in connection with Hisua P.S. Case No. 266 of 2018, No. subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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