

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5044 of 2019

Arising Out of PS. Case No.-1 Year-2018 Thana- BIHPUR District- Bhagalpur

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Rana Yadav, Aged about 25 years (Male), Son of Dhuri Yadav, Resident of
Village-Balaha, P.S.- Bihpur (Bhawanipur), District - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh
For the Opposite Party/s : Mr. Madhura Nand Jha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 01-02-2019 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 427, 325,
308, 379, 504, 506 and 34 of the Indian Penal Code.

The prosecution case as per the written report of Ashok
Yadav submitted to SHO, Bhawanipur O.P., is to the effect that
on 30.12.2017 at about 3.00 P.M., when the informant went to
his agricultural field at Naya Baans Ganaul, there he saw six
accused persons, including the petitioner were cutting the
bamboo trees from the orchard of the informant, on protest
being made, co-accused Tuntun Yadav armed with axe and other
accused persons armed with lathi and danda, assaulted the
informant causing fracture on his left leg and right hand. It is



further alleged that the informant sustained cut injuries caused by axe on his right leg and right cheek. On alarm being raised, all the accused persons escaped from the scene and while fleeing, Rana Yadav took away Rs.500/- from the pocket of the informant.

It is submitted by learned counsel for the petitioner that the accusation against the petitioner is omnibus and general and during investigation, charge-sheet has not been submitted under Section 379 of the IPC which is the only specific accusation levelled against the petitioner. It is further submitted that prior to lodging of the present case, the petitioner lodged a case against the informant and others being Bihpur (Bhawanipur) P.S. Case No. 562 of 2017 for the offences punishable under Sections 341, 323, 447, 308, 504, 506 and 34 of the IPC. Though the injuries caused to the informant found to be grievous in nature but the accusation is omnibus and general. A statement has been made in paragraph no. 3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation of assault against the petitioner.

Considering the fact that the accusation of assault against the petitioner is omnibus and general and specific



accusation of assault is against the co-accused Tuntun Yadav , who has not been sent up for trial and the accusation of theft has not been found during investigation, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of the learned **JM-Ist Class, Naugachia** in connection with **Bihpur (Bhawanipur) P.S. Case No. 01 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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