

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2205 of 2019

Arising Out of PS. Case No.-384 Year-2018 Thana- GOGRI District- Khagaria

1. Ashok Kumar Yadav son of Late Satrugan Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
2. Sanjeeb Yadav @ Sujo Yadav son of Chandra Shekhar Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
3. Rajeev Yadav @ Fantush Yadav son of Chandra Shekhar Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
4. Fudo Yadav @ Dilip Kumar Yadav son of Hari Charan Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
5. Ravi Yadav son of Ashok Kumar Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
6. Tinku Yadav son of Viveka Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
7. Ghanshyam Yadav son of Late Saudagar Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
8. Lalit Yadav son of Nate Nathan Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
9. Salit Yadav son of Late Nathan Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
10. Prince Kumar son of Ghanshyam Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
11. Pandav Yadav son of Raj Kumar Yadav @ Kummar Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
12. Futtush Yadav son of Raj Kumar Yadav @ Kummar Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
13. Santosh Yadav son of Raj Kumar @ Kummar Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria
14. Mukesh Yadav son of Chandar Yadav, Vill-Paura P.S-Gogari, Distt.-Khagaria

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Shekhar Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Parmeshwar Mehta, APP
For the Informant	:	Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioners and learned

APP for the State and also learned counsel representing the

informant.

The petitioners apprehend their arrest in connection



with Gogari (Pura) P. S. Case No. 384 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

There are altogether 14 petitioners in the present case. The allegations against them are that they had formed an unlawful assembly and lashed with arms, they assaulted the informant's side. There is specific allegation that Ravi Yadav (petitioner no. 5) assaulted the informant on his nose with the butt of his rifle whereas one Phantush Yadav @ Rajeev Yadav (petitioner no. 3) assaulted the nephew of the informant using the butt of his rifle which caused serious injury and both of them fell down. It is further alleged that the accused persons assaulted the family members and took away one suitcase containing some ornaments and clothes and also cash of Rs. 53,000/-.

learned counsel submits that there is case and counter case. The petitioners' side has also lodged Gogari P.S. Case No. 385 of 2018 against the informant's side. It is pointed out that both the parties are fighting because of political rivalry as the wife of Ashok Yadav (petitioner no. 1) has won the election for the post of Mukhiya which the informant's side were opposing.

On the learned counsel for the informant pointing out



that some of the petitioners have got criminal antecedent as stated in paragraph 3 of the application, learned counsel for the petitioners submits that in fact all those cases have arisen only on account of the rivalry between the petitioners and the informant's side and these cases have been lodged by the informant's side only. It is an admitted position that in those cases they are on bail.

Learned APP for the State is present.

In the facts and circumstances of the case, in the nature of allegations, this Court is while inclined to grant privilege of anticipatory bail to the petitioners against whom there is no specific allegation of assault, does not incline to grant privilege of anticipatory bail to the petitioner nos. 3 and 5 namely Rajeev Yadav @ Futtush Yadav and Ravi Yadav against whom there are specific allegations of assault.

Let in case of their arrest or surrender the petitioner nos. 1, 2, 4 and 6 to 14, namely Ashok Kumar Yadav, Sanjeeb Yadav @ Sujo Yadav, Fudo Yada @ Dilip Kumar Yadav, Tinku Yadav, Ghanshyam Yadav, Lalit Yadav, Salit Yadav, Prince Kumar, Pandav Yadav, Futtush Yadav son of Raj Kumar Yadav @ Kummar Yadav, Santosh Yadav and Mukesh Yadav be released on bail on furnishing of bail bonds of Rs. 15,000/-



(fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Gogari (Poura) P. S. Case No. 384 of 2018, subject to the condition they will report to the Investigating Officer within a period of two weeks from today and shall cooperate in course of investigation, failing which it will open for the Investigating Officer as well as the informant to take appropriate steps for cancellation of their bail. This will be in addition to the conditions prescribed under Section 438(2) of Cr.P.C.

So far as the bail of petitioner nos. 3 and 5 are concerned, the same is rejected.

In case petitioner nos. 3 and 5 surrender before the court below within a period of four weeks from today and pray for regular bail, their prayer for regular bail shall be considered independently on the basis of the materials available on record without being prejudiced by the order of this Court.

This application is disposed off, accordingly.

(Rajeev Ranjan Prasad, J)

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