

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17234 of 2019

Arising Out of PS. Case No.-425 Year-2018 Thana- BANKA (Barhat) District- Banka *

1. Bhairo Yadav, aged about 32 years, Male, S/o Bishwanath Yadav.
2. Shairo Yadav, aged about 25 years, Male, S/o Bishwanath Yadav.
3. Sanjay Yadav, aged about 40 years, Male, S/o Lakshman Yadav.
4. Bachchan Yadav @ Bachhan Yadav, aged about 37 years, Male, Son of Late Durgi Yadav.
5. Jyotish Yadav @ Santosh Yadav, aged about 55 years, Son of Late Durgi Yadav.
6. Surendra Yadav, aged about 55 years, Male, S/o Lt. Sukdeo Yadav.
7. Kanko Yadav @ Kanko @ Santosh Yadav, aged about 25 years, Son of Surendra Yadav.
8. Yogendra Yadav, aged about 66 years, Male, S/o Late Udit Yadav.
9. Subhash Yadav @ Gurash Yadav, aged about 35 years, Male, Son of Yogendra Yadav.
10. Tuntun Yadav @ Rabindra Yadav, aged about 25 years, Male, Son of Yogendra Yadav
All Resident of Village - Chilmil, Police Station - Barahat, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 01-04-2019 Heard learned counsel for the petitioners. No one appears on behalf of the State to oppose the prayer for anticipatory bail.

Petitioners are seeking anticipatory bail in connection with Banka (Barhat) P.S. Case No. 425 of 2018 registered for the offences punishable under Sections 147, 148, 149, 341,



323,307, 379, 504 and 506 of the Indian Penal Code and Section 27 of Arms Act..

Learned counsel for the petitioners submits that as per allegations while the informant was returning back to his home, all of a sudden the ten named accused persons surrounded him. Petitioner no.1 Bhairo Yadav is said to have pulled him from the motorcycle and assaulted him on his head by 'Iron Rod'. Further allegation is that when the uncle of the informant and his cousin brother came there to save him then petitioner no.3, Sanjay Yadav assaulted his uncle, Arvind Kumar Yadav on his head causing injuries.

Learned counsel for the petitioners submits that there is a case and counter case as also that from the injury report of the informant and his uncle, Arvind Kumar Yadav, it would appear that the injury found on the head of both the persons are simple in nature. It is further submitted that so far as other accused persons are concerned, there are only general and omnibus allegations against them, further, no injury have been noticed on the body of the informant and his uncle which may be attributed to the other petitioners.

After hearing learned counsel for the petitioners and on perusal of the records, considering the facts and



circumstances of the case, wherein it is apparent from the records that so far as petitioner nos.1 and 3 are concerned there are allegations that they had assaulted the informant and his uncle hitting him on his head causing injuries and the injury report also shows that lacerated wound on the right side of parietal region of scalp were found, this Court is not willing to grant the privilege of anticipatory bail to petitioner nos. 1 and 3. Their prayer for anticipatory bail is refused. In case the petitioner nos.1 and 3 surrender and pray for regular bail in the learned Court below within a period of four weeks from today, their prayer for bail shall be considered on its own merit and without being prejudice by the order of this Court.

So far as, petitioner nos.2, 4, 5, 6, 7, 8, 9 and 10 are concerned, the submission is that there are general and omnibus allegations against them and no injury can be attributed to them. Taking note of this aspect, this Court is willing to extend the privilege of anticipatory bail to those petitioners. Thus, in case of arrest or surrender of petitioner nos. 2, 4, 5, 6, 7, 8, 9 and 10 within a period of four weeks from today, the abovenamed petitioner nos. 2, 4, 5, 6, 7, 8, 9 and 10 are directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each



to the satisfaction of the learned Chief Judicial Magistrate,
Banka in connection with Banka (Barhat) P.S. Case No. 425 of
2018. This will be in addition to condition prescribed under
Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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