

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18493 of 2019

Arising Out of PS. Case No.-94 Year-2018 Thana- NAUHATTA District- Saharsa

1. Maheshwari Yadav, aged about 68 Years, Gender-Male, Son of Late Rasik Lal Yadav Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
2. Rabindra Kumar @ Rabindra Yadav, aged about 29 Years, Gender-Male, Son of Mahendra Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
3. Aravind Kumar @ Aravind Yadav, aged about 33 Years, Gender-Male, Son of Ram Pukar Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
4. Tunish Kumar, aged about 20 Years, Gender-Male, Son of Dharm Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
5. Indra Kumar, aged about 45 Years, Gender-Male, Son of Late Shri Prasad Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
6. Raj Kumar Yadav @ Raj Kumar, aged about 52 Years, Gender-Male, Son of Late Saryug Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
7. Aravind Kumar @ Aravind Yadav, aged about 43 Years, Gender-Male, Son of Late Shri Prasad Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
8. Sushil Kumar @ Sushil Yadav, aged about 42 Years, Gender-Male, Son of Jai Narayan Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
9. Manoj Yadav, aged about 53 Years, Gender-Male, Son of Rampukar Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
10. Mahendra Yadav, aged about 52 Years, Gender-Male, Son of Late Saryug Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
11. Mukesh Kumar @ Mukesh Yadav, aged about 47 Years, Gender-Male, Son of Jai Narayan Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
12. Chandra Bhushan Yadav @ Chandra Bhushan Kumar, aged about 27 Years, Gender-Male, Son of Upendra Yadav, Resident of Village - Sattaaur, P.S.- Nauhatta, Distt - Saharsa.
13. Kamo Yadav, aged about 45 Years, Gender-Male, Son of Late Shibu Yadav, Resident of Village - Narayanpur, P.S.- Nauhatta, Distt - Saharsa.
14. Sanjiv Kumar @ Sanjiv Yadav, aged about 24 Years, Gender-Male, Son of Hari Mohan Yadav, Resident of Village - Narayanpur, P.S.- Nauhatta, Distt - Saharsa.
15. Amarendra Kumar @ Amrendra Yadav, aged about 24 Years, Gender-Male, Son of Yogendra Yadav, Resident of Village - Narayanpur, P.S.- Nauhatta, Distt - Saharsa.
16. Pramod Kumar @ Pramod Yadav alias Pramod Kumar Yadav, aged about 25 Years, Gender-Male, Son of Rameshwar Yadav, Resident of Village -



Narayanpur, P.S.- Nauhatta, Distt - Saharsa.

17. Shashbin Kumar @ Shashbin Yadav @ Shashmin Kumar, aged about 23 Years, Gender-Male, Son of Lakhan Yadav, Resident of Village - Narayanpur, P.S.- Nauhatta, Distt - Saharsa.
18. Rameshwar Yadav, aged about 59 Years, Gender-Male, Son of Late Shibu Yadav, Resident of Village - Narayanpur, P.S.- Nauhatta, Distt - Saharsa.
19. Hari Mohan Yadav, aged about 49 Years, Gender-Male, Son of late Satto Yadav, Resident of Village - Narayanpur, P.S.- Nauhatta, Distt - Saharsa.
20. Lakhan Yadav, aged about 53 Years, Gender-Male, Son of Late Jahuri Yadav, Resident of Village - Narayanpur, P.S.- Nauhatta, Distt - Saharsa.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Shailendra Kumar Singh, Advocate.
For the Opposite Party : Mr.Gauri Shankar Gupta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-03-2019 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 147, 148, 149, 323,
341, 324, 307, 379 and 504 of the IPC.

The prosecution story, in brief, is that on 17.06.18 at
6.00 P.M., a Panchayati was going on at the Darwaja of Bhup
Narayan Yadav with respect to the land dispute in which
Dharam Yadav started creating nuisance upon which Niranjana
Yadav intervened in order to maintain peace and then all the
F.I.R. named accused persons variously armed with Lathi,



Danda, Farsa, Gun and bricks attacked on his nephew Niranjana Yadav. Seeing this, Pawan Yadav, Surendra Yadav, Naresh Yadav, Anshu Hadav and Indradeo Yadav rushed there to save Niranjana Yadav but all the accused persons started assaulting them. Accused Dharam Yadav gave Farsa blow to him and accused Mahendra Yadav assaulted Pawan Yadav by means of Lathi, Maheshwari Yadav assaulted Surendra Yadav by means of Lathi, and Chandra Bhushan Yadav assaulted Naresh Yadav, Arbind Yadav assaulted Prabhanand Yadav on his head. Sushil Yadav assaulted Anshu Yadav and Manoj Yadav assaulted Indradeo Yadav. Due to such assault, informant party sustained injuries and when informant went to save them he too was fisted an slapped and accused persons snatched Rs. 5,000/- from his pocket. Injured persons were later on brought to hospital for medical treatment.

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. There is case and counter case between the parties. Nature of injury is 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./ complaint case.

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 J.M. Ist Class, Saharsa, in connection with Nauhatta P.S. Case No. 94/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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