

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20856 of 2019

Arising Out of PS. Case No.-320 Year-2018 Thana- BAKHARI District- Begusarai

1. MANISH KUMAR, Son of Chunchun Yadav, Resident of Village - Khakharua, P.S.- Bakhri, Distt - Begusarai.
2. Kailash Yadav, Son of Dhodhsi Yadav, Resident of Village - Khakharua, P.S.- Bakhri, Distt - Begusarai.
3. Ghuran Yadav, Son of Gobardhan Yadav, Resident of Village - Khakharua, P.S.- Bakhri, Distt - Begusarai.
4. Rajesh Yadav, Son of Kailash Yadav, Resident of Village - Khakharua, P.S.- Bakhri, Distt - Begusarai.
5. Chunchun Yadav, Son of Dhodhsi Yadav, Resident of Village - Khakharua, P.S.- Bakhri, Distt - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari

For the Opposite Party/s : Mr. Arun Kumar Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 04-04-2019 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 341, 323, 324, 307, 354(B), 504 and 506 of the Indian Penal Code.

The prosecution case as per the fardbeyan of Maheshwar



Yadav recorded by the Rama Shankar Paswan, A.S.I. of Bento P.S. at Paras Global Hospital, Darbhanga Sadar on 04.11.2018 at about 12.30 P.M. is to the effect that on 02.11.2018 at about 01.30 P.M., co-accused, Dhaneshwar Yadav was ploughing the field of the informant and on protest being made by the son of the informant, Manohar Yadav, petitioner no.1, Manish Yadav and co-accused Dhaneshwar Yadav started abusing the son of the informant and also assaulted him. Thereafter, the son of the informant returned to his house and narrated the whole incidence to the informant. Subsequently, all the family members of the informant went to their field, in the meantime, fifteen FIR named accused persons including the petitioners, surrounded them and on the order of co-accused, Ashok Yadav petitioner no.5, Chunchun Yadav assaulted the son of the informant with iron rod on his head, as a result, the son of the informant fell down and thereafter, co-accused, Chandrajeet and Angad Yadav assaulted the son of the informant with iron rod and khanti on his eyes. It is further alleged that when the nephew of the informant came to rescue, co-accused, Ashok Yadav assaulted him, causing bleeding injury and co-accused, Rajesh Yadav assaulted him with iron rod on his neck and when the wife of the informant came to rescue, all the accused persons



assaulted her with lathi and danda, causing bleeding injury, and when the informant came to rescue, co-accused Birendra Yadav and Dhaneshwar Yadav along with the petitioner no.3, Ghuran Yadav assaulted him with iron rod and lathi. On alarm being raised, nearby people came, all the accused persons escaped from the scene.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general against the petitioners and prior to lodging of the present case, petitioner no.1, Manish Kumar lodged a case against the informant side being Bakhri P.S. Case No.316 of 2018 in which petitioners' side also received injuries. It is further submitted that for the occurrence of 04.11.2018 at about 12.30 to 01.30 P.M., FIR was registered on 07.11.2018 at 06.30 P.M. A statement has been made in paragraph no.3 of the petition that petitioner nos.1, 3 and 4 are not having any criminal antecedent but petitioner nos.2 and 5 are accused in three other cases apart from the present case, but in all those cases they are on bail.

It is submitted by learned APP for the State that the accusation of assaulted is specific against the petitioners.

Considering the fact that the accusation is omnibus and general against the petitioners, delayed lodging of the FIR



and the fact that the accusation of assaulted not being corroborated by any medical opinion, let the above named petitioners 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) each with two sureties of the like amount each to the satisfaction of the learned **CJM, Begusarai** in connection with **Bakhri P.S. Case No.320 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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