

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.79225 of 2018

Arising Out of PS. Case No.-192 Year-2018 Thana- MANJHAGARH District- Gopalganj

1. Vakil Yadav Son of Megha Yadav
2. Pappu Yadav Son of Jawahar Yadav @ Jawahir Yadav
Both 1and2 Resident of Village-Maghi Nimuiya, PS-Manjhagarh, District-Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No-5

For the Opposite Party/s : Mr.Dr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-01-2019 Heard both sides.

The petitioners apprehend their arrest in Manjhagarh P.S. Case No.192 of 2018 registered under Sections 147, 148, 149, 341, 323, 324, 307, 302 and 504 of the Indian Penal Code.

The informant named 14 persons including these two petitioners whose names appear at serial nos.11 and 14 and alleged that they all having armed with different weapons came and Wakil Yadav instigated, on such, Awadh Yadav assaulted Ojha Choudhary with spear in his abdomen and Ojha Choudhary fell down on the ground. Nanhe Yadav is alleged to have assaulted Ojha Choudhary on his head with farsa.

Learned counsel for the petitioners submits that Wakil Yadav, Deepak Yadav, Faudi Yadav have already been granted



anticipatory bail by different Benches of this court in Cr.Misc.No.71087 of 2018, Cr.Misc.No.79501 of 2018 and Cr.Misc.No.74230 of 2018. The case of these petitioners stands on similar footing as no specific allegation of assault is made against the petitioners.

From perusal of F.I.R., it appears that the petitioners are of course named in the F.I.R. at serial nos.11 and 14 but no specific allegation of assault is made against them. Awadh Yadav is alleged to have pierced spear in the abdomen of Ojha Choudhary (deceased) and Nanhe Yadav gave farsa blow on the head of the deceased. It has been submitted that save and except two injuries found on the person of the deceased, no other injury was found and death was caused due to injury found on the abdomen and the allegation of piercing spear is against Awadh Yadav.

Having considered the facts aforesaid and the fact that the case of the petitioners stands on similar footing as that of other co-accused persons mentioned above, who have been granted anticipatory bail, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be



enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Manjhagarh P.S. Case No.192 of 2018 (G.R. No.2960 of 2018), subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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