

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76174 of 2018

Arising Out of PS. Case No.-199 Year-2018 Thana- DUMRAO District- Buxar

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1. Mantosh Yadav, Son of Kanhaiya Yadav.
 2. Radhey Shyam Yadav, Son of Late Satya Narayan Yadav. Both resident of Village- Nandan, P.S.- Dumraon, District- Buxar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-01-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 148, 149, 447, 326 and 307/34 of the IPC and Sections 25(1-B)a, 26, 27 and 35 of the Arms Act.

The prosecution case, as per the written report of Dinesh Kumar, S.I. of Police, dated 25.05.2018, submitted to the Station House Officer, Dumraon Police Station, is to the effect that on the same day at about 5.50 P.M., the informant received an information that at Village Nandan, firing and cross firing is being resorted to between two groups, whereupon the informant along with police force, reached at the place of occurrence at



8.10 P.M., On enquiry, one Shyam Bihari Yadav conveyed him that he was digging soil from his land when all the accused persons came there and started abusing him and also resorted to fire, when three persons, namely Dimpal Kumari, Chanchal Kumari and Ranjan Kumar received injuries. On further information, the informant arrested co-accused Kedar Singh and from his possession, one country made rifle and five cartridges were recovered. It is further alleged that from the house of co-accused Vikash Kumar, co-accused Nand Jee was arrested and from his possession, one country made rifle and four cartridges were recovered. The name of the petitioners sprang up on the confession of apprehended co-accused.

It is submitted by learned counsel for the petitioners that the accusation against the petitioners is omnibus and general. The petitioners' side also lodged a case against the other side at earlier point of time. It is further submitted that no recovery has been made from the petitioners. Moreover, the injuries of all the three injured have been found to be simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP that the name of the petitioners sprang up on the confession of apprehended co-



accused.

Considering the accusation against the petitioners being general and omnibus, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Dumraon P.S. Case No. 199 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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