

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33008 of 2019

Arising Out of PS. Case No.-416 Year-2018 Thana- GRIYAK District- Nalanda

1. Sibu Yadav Son of Ram Lal Yadav Resident of Village- Kharrat (Bhawanibigha), P.S.- Muffasil, District- Nawada.
2. Bipin Yadav Son of Rameshwar Yadav Resident of Village- Kharrat (Bhawanibigha), P.S.- Muffasil, District- Nawada.
3. Indradeo Yadav Son of Sukhdeo Yadav Resident of Village- Kharrat (Bhawanibigha), P.S.- Muffasil, District- Nawada.
4. Babloo Yadav Son of Ram Briksha Yadav Resident of Village- Kharrat (Bhawanibigha), P.S.- Muffasil, District- Nawada.
5. Lallu Yadav Son of Ramroop Yadav Resident of Village- Kharrat (Bhawanibigha), P.S.- Muffasil, District- Nawada.
6. Lakhendra Yadav @ Labhendra Kumar Son of Ram Chandra Yadav Resident of Village- Kharrat (Bhawanibigha), P.S.- Muffasil, District- Nawada.
7. Ramroop Yadav Son of Late Poona Yadav Resident of Village- Kharrat (Bhawanibigha), P.S.- Muffasil, District- Nawada.
8. Bindeshwar Yadav @ Nepali Son of Sanichar Yadav Resident of Village- Takhrona, P.S.- Giriyak, District- Nalanda.

... .. 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.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-05-2019 Heard both sides.

Petitioners apprehend their arrest in Giriyak P.S. Case No.416 of 2018 registered under Section 307 and other minor sections of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named 10 persons including these



petitioners in the F.I.R. and alleged that Bindeshwar Yadav (petitioner no.8) assaulted him with bricks and Babulal Yadav assaulted him with sharp edged weapon on his head and left hand causing serious injury on his head and hand. When Bijendra Yadav came to save, Babloo Yadav (petitioner no.4) who is said to have assaulted Bijendra Yadav with iron rod on his left shoulder. The accused persons assaulted Rabindra Yadav, Ajay Yadav and Ranjan Yadav with stick and iron rod. It is further alleged that Indradeo Yadav son of Sukhdeo Yadav (petitioner no.3) and Indradeo Yadav son of Mokami Yadav opened fire.

Learned counsel for the petitioners submits that there is a counter version. Only specific allegation is made against petitioner no.8, Bindeshwar Yadav that he assaulted the informant with bricks but no corresponding injury was found on the body of the informant. Babulal Yadav is said to have assaulted Chhotelal Yadav with garasa on his hand and head. Chhotelal Yadav got two sharp cut injuries. Babulal Yadav is author of both injuries but Babulal Yadav is not the petitioner. The other injured persons, namely, Rajendra Yadav, Bijendra Yadav and Ravindra Yadav got simple injury and there is no allegation of assault against other accused persons.



Having considered the facts that no specific allegation is made against the petitioners save and except petitioner no.8 Bindeshwar Yadav, who is alleged to have assaulted the informant with bricks but no corresponding injury was found on the body of the informant caused by bricks and two injuries which are caused by sharp edged weapon are found on the person of Chhotelal Yadav (informant) and the author of injuries is Babulal Yadav, who is not the petitioner, 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 A.C.J.M. I, Nalanda at Biharsharif in connection with Giriyak P.S. Case No.416 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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