

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43518 of 2019

Arising Out of PS. Case No.-181 Year-2017 Thana- RAJNAGAR District- Madhubani

1. MITHILESH YADAV @ MITHILESH KUMAR YADAV, aged about 25 years(male) Son of Ram Kumar Yadav
2. Shatrughan Yadav, aged about 16 years(Male), Son of Bhola Yadav under Natural Guardianship of his father namely Bhola Yadav , Son of Late Yadu Yadav
3. Mukesh Yadav, aged about 16 years(male) Son of Vijay Yadav @ Vijay Kumar Yadav Under Natural Guardianship of His father namely Vijay Kumar Yadav, Son of Late Sitaram Yadav
All resident of Village - Pilakhabar, P.S.- Rajnagar, Dist.- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-07-2019 Heard both sides.

The petitioners apprehend their arrest in Raj Nagar P.S. Case No.181 of 2017 registered under Sections 147, 148, 149, 341, 324, 307, 302 of the Indian Penal Code.

Danilal Yadav, the informant named as many as 23 persons including three petitioners namely, Mithilesh Yadav, Shatrughan Yadav and Mukesh Yadav and alleged that while they had gone to clean Bum Pullia for smooth flow of water for the village, on the order of Sitaram Yadav, Bablu Yadav assaulted the informant with spear which hit on the neck of the



informant. When Chandan Kumar Yadav, son of the informant came to save, Bablu Yadav pierced spear in armpit. Bhola Yadav pierced spear on the armpit of his son on the same place. It is further alleged that Rajkumar Yadav assaulted Guneshwar Yadav, brother of the informant with farsa. When Dev Yadav came to save, Devnandan Yadav assaulted Dev Yadav with farsa on his head. Bacchu and Navin Kumar Yadav assaulted another son of the informant.

The learned counsel for the petitioners submits that Rajkumar Yadav and Navin Kumar Yadav, who are alleged to have assaulted the son of the informant, have already been granted anticipatory bail by a co-ordinate Bench of this Court on 03.05.2018 passed in Cr. Misc. No.19665 of 2018. There is no allegation of assault against these three petitioners. Bablu and Bhola are assailants of the deceased, Chandan Kumar Yadav. The petitioners did not assault any person. There is a counter version.

Taking into consideration the fact that petitioners are of course named in the F.I.R. but there is no allegation of assault against the petitioners and petitioners appear to be the members of the mob, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period



of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri Vikash Jha, learned J.M. Ist Class, Madhubani in connection with Raj Nagar P.S. Case No.181 of 2017, 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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