

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49281 of 2019**

Arising Out of PS. Case No.-142 Year-2019 Thana- BAHERA District- Darbhanga

1. RAS BIHARI YADAV Son of Ram Bilash Yadav Resident of Village - Itharba, P.S.- Bahera, District- Darbhanga
2. Dharmendra Kumar Yadav @ Dharmendra Kumar Son of Ras Bihari Yadav Resident of Village - Itharba, P.S.- Bahera, District- Darbhanga
3. Arun Yadav @ Arun Kumar Yadav Son of Ras Bihari Yadav Resident of Village - Itharba, P.S.- Bahera, District- Darbhanga
4. Ram Kumar Yadav Son of Ras Bihari Yadav Resident of Village - Itharba, P.S.- Bahera, District- Darbhanga
5. Krishna Kumar Yadav Son of Ras Bihari Yadav Resident of Village - Itharba, P.S.- Bahera, District- Darbhanga
6. Hukumdeo Yadav Son of Pitamber Yadav Resident of Village - Itharba, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar

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

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

2      07-08-2019                      Heard both sides.

The petitioners apprehend their arrest in Bahera P.S. case No. 142 of 2019 registered under Section 147, 148, 149, 341, 323, 379, 307, 324, 427 of the IPC.

The informant named eight persons including the six petitioners and alleged that they all, having armed with different weapons, came to his house and began to abuse the informant. The informant and his son Dayanand Yadav filed petition before



the Circle Officer for removal of encroachment and case was lodged. It is further alleged that Ram Kumar Yadav and Arun Yadav tied towel around the neck of informant and pressed his neck in order to kill him. When Dayanand Yadav, Appu Lal Yadav and villager, Rohit Yadav, came to save the informant, Lal Bihari Yadav, who is not petitioner, assaulted Dayanand Yadav with spear on his head. Dayanand Yadav fell down after becoming unconscious. Lalit Yadav, who is also not petitioner, is alleged to have assaulted Appu Lal Yadav with Garasa on his head and others assaulted Rohit Yadav.

The learned counsel for the petitioners submits that there is counter version being Bahera P.S. case No. 143 of 2019 in which informant, Upendra Yadav, alleged that Baleshwar Yadav, Tapsi Yadav, Jai Prakash Yadav, Laxmi Yadav, the informant, Ajay Lal Yadav, Alok Yadav, Dayanand Yadav, Rakesh Yadav and 4-5 unknown came and asked reason for filling earth and the accused persons assaulted the informant and others. It is further alleged that Lal Bihari Yadav is alleged to have assaulted Dayanand Yadav, son of the informant, and he got grievous injuries. Lalit Yadav assaulted Appu Lal Yadav and others are alleged to have assaulted Rohit Yadav but Appu Lal Yadav and Rohit Yadav got simple injuries. There is no



specific allegation against the petitioners and, hence, the petitioners deserve anticipatory bail.

It appears that, of course, the petitioners are named in the FIR but no specific allegation of assault is made against the petitioners. Only Dayanand Yadav got grievous injury and the author of injury is Lal Bihari Yadav. Appu Lal Yadav and Rohit Yadav got simple injuries.

Considering the facts aforesaid and nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest/ surrender before the 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 their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur, Darbhanga in connection with Bahera P.S. case No. 142 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

BKS/-

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