

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53188 of 2019

Arising Out of PS. Case No.-151 Year-2015 Thana- SHAHKUND District- Bhagalpur

1. Yogendra Yadav Son of Herdev Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur
2. Pramod Yadav Son of Herdev Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur
3. Vinod Yadav Son of Herdev Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur
4. Prakash Yadav Son of Karu Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur
5. Genu Yadav Son of Buttan Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur
6. Guder Yadav Son of Buttan Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur
7. Ajay Yadav Son of Buttan Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur
8. Parshuram Yadav Son of Balli Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur
9. Ghanshyam Yadav Son of Late Keshri Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur
10. Rabindra Yadav Son of Jhamo Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur
11. Jhamo Yadav @ Shyam Lal Yadav Son of Late Lelhu Yadav Resident of Village - Dariyapur, P.S.- Shahkund (Sajour), District- Bhagalpur

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Manoj Kumar Jha, Advocate
For the Opposite Party : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with



Shahkund (Sajour) P. S. Case No.151 of 2015 registered under Sections 147, 148, 149, 307, 327, 379. 504 & 506 of the Indian Penal Code.

It is contended by the learned counsel for the petitioners that though the FIR was instituted against the petitioners *inter alia* under Sections 307 and 379 of the Indian Penal Code, on completion of investigation, the police submitted charge-sheet against petitioner nos. 1 to 4 only under Section 308 of the Indian Penal Code and other bailable offences. As far as petitioner nos. 5 to 11 are concerned, they were not sent up for trial as the allegation against them was not found true by the investigating officer in course of investigation. However, learned Magistrate differed with the police report and took cognizance of the offence and summoned all the petitioners to face trial. It is contended that the only non-bailable offence under which the petitioners have been summoned is Section 308 of the Indian Penal Code, which prescribes maximum punishment for a term which may extend to three years, or with fine, or with both; and, if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term, which may extend to seven years, or with fine, or with both. It is further contended that injuries sustained by the



accused persons were all simple. However, one of the injured was referred to Jawahalal Nehru Medical College & Hospital, Bhagalpur for treatment and subsequent injury report has not yet been furnished.

Learned Additional Public Prosecutor for the State has opposed the prayer for grant of pre-arrest bail to the petitioners.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bhagalpur in Shahkund (Sajour) P. S. Case No.151 of 2015 corresponding to G.R. No. 2999/2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

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