

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2493 of 2019**

Arising Out of PS. Case No.-245 Year-2018 Thana- BIHIA District- Bhojpur

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1. Dibuk Yadav @ Shatrughn Yadav @ Dimuk Yadav, Son of Sharda Yadav, Resident of Village-Charghat P.S-Bihiya (Bahoranpur), District-Bhojpur
  2. Pagal Yadav @ Saroj Yadav @ Pagal Yadav, Son of Manjhi Yadav, Resident of Village-Charghat P.S-Bihiya (Bahoranpur), District-Bhojpur
  3. Manjhi Yadav, Son of Sri Lirik Yadav, Resident of Village- Charghat, P.S- Bihiya (Bahoranpur), District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pankaj Kumar Singh  
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      21-01-2019                      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, 323, 337, 338, 341, 342, 380, 307, 354B and 452/34 of the IPC.

The prosecution case, as per the written report of Rinku Devi, dated 26.06.2018, submitted to the Station House Officer, Bihiya Police Station, is to the effect that on 25.06.2018, at about 7 P.M., the informant was cooking food, in the meantime, 8 FIR named accused persons including the petitioners and 3-4 unknown persons came armed with lathi and danda and assaulted the informant and when the brother-in-law (Dewar) of



the informant came to rescue her, then he was also assaulted on his head, and when her sister-in-law, Rinku Devi came to rescue her then she was also assaulted and the accused persons tried to outrage her modesty. The accused persons also assaulted the husband of the informant and they outraged the modesty of the female family members of the informant. The accused persons also took away the jewellery from the box.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant. In the background of a land dispute, the accusation has been levelled against the petitioners. Though, three persons have received injuries, out of them, two persons have received simple injuries, whereas the opinion with regard to injury received by third person, has been kept reserved. It is further submitted that similarly situated co-accused, Raj Kumar Yadav, Sharda Yadav and Nand Kumar Yadav, have been granted privilege of anticipatory bail by a co-ordinate Bench of this Court, vide order dated 28.11.2018, passed in Cr. Misc. No. 67684 of 2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that the petitioners not only assaulted the informant and her family



members, but also tried to outrage the modesty of the female family members of the informant.

Considering the accusation against the petitioners being omnibus and general and the fact that similarly situated co-accused persons have been granted privilege of anticipatory bail, 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 ACJM-V, Bhojpur at Ara in connection with Bihiya P.S. Case No. 245 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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