

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61316 of 2019

Arising Out of PS. Case No.-126 Year-2018 Thana- PIRO District- Bhojpur

1. OM PRAKASH SINGH @ OM PRAKASH YADAV @ CHHOTU YADAV, aged about 39 years, Male, Son of Late Baliraj Singh, Resident of Village-Chaturbhuji Barawan, P.S.-Piro, District-Bhojpur
2. Dalu Singh, aged about 41 years, Male, Son of Late Baliraj Singh Resident of Village-Chaturbhuji Barawan, P.S.-Piro, District-Bhojpur

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Manoj Kumar, Adv.

For the Opposite Part : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-09-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Piro P.S. Case No. 126 of 2018 for the offences alleged under Sections 147, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and 27 of the Arms Act.

The accusation is that while the informant was at Chowk near temple, at that time, Nirmal Yadav and Rajesh Yadav reached there in drunken stage boarding on motorcycle and dashed the informant, Ram Pratap Singh. When the informant made protest, then, they started to cause assault by fists and slaps, but, the people, present there, pacified. Thereafter, on 14.04.2018 while the informant was going to



flour mill, then, in the way Nirmal Yadav, Rajesh Yadav, Brij Bihari Yadav and petitioners came boarding on three bikes. On the order of Dalu Singh (petitioner no. 2), Nirmal Yadav made fire. At that time, Brij Bihari Yadav, Nirmal Yadav and Rajesh Yadav started to cause assault through lathi and rod to him. Nirmal Yadav again fired through pistol, which hit at his left palm. Thereafter, he was dragged at some distance causing assault through fists and slaps by Brij Bihari Yadav.

The submission of the learned counsel for the petitioners is that while both the petitioners are named in the first information report, but, specific allegation of causing assault is against the co-accused, Brij Bihari Yadav, Nirmal Yadav and Rajesh Yadav. Further, submission is that petitioner no. 2 has no criminal antecedent while petitioner no. 1 is accused in Piro P.S. Case No. 275 of 2013, as detailed in paragraph 3 of the bail petition, in which he is on bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Piro P.S. Case No. 126 of 2018 shall be released on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to



the satisfaction of the Additional Chief Judicial Magistrate, II,
Bhojpur at Ara, or the successor Court subject to the conditions
as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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