

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58544 of 2019

Arising Out of PS. Case No.-84 Year-2019 Thana- SIDHWALIYA District- Gopalganj

1. SAMRAJIYA DEVI Wife of Chhabila Yadav, Resident of Village Surahiya, P.S. Sidhwalia, District- Gopalganj.
2. Harendra Yadav Son of Mukhlal Yadav, Resident of Village Surahiya, P.S. Sidhwalia, District- Gopalganj.
3. Bachcha Yadav Son of Mukhlal Yadav, Resident of Village Surahiya, P.S. Sidhwalia, District- Gopalganj.
4. Lorik Yadav Son of Ash Pujan Yadav, Resident of Village Surahiya, P.S. Sidhwalia, District- Gopalganj.
5. Ranjeet Yadav Son of Yogendra Yadav, Resident of Village Surahiya, P.S. Sidhwalia, District- Gopalganj.
6. Lal Badan Yadav Son of Bijali Yadav, Resident of Village Surahiya, P.S. Sidhwalia, District- Gopalganj.
7. Gena yadav Son of Bijali Yadav, Resident of Village Surahiya, P.S. Sidhwalia, District- Gopalganj.
8. Prabhu Kumar Yadav Son of Chhabila Yadav, Resident of Village Surahiya, P.S. Sidhwalia, District- Gopalganj.
9. Laloo Yadav @ Laloo Kumar Son of Chhabila Yadav, Resident of Village Surahiya, P.S. Sidhwalia, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Prasad
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 20-09-2019 Heard both sides.

Petitioners apprehend their arrest in Sidhwalia P.S.

Case No.84 of 2019 registered under Sections 341, 447, 448,
323, 324, 385, 379, 354, 504, 506, 147, 149 and 307 of the
Indian Penal Code.



The informant named the petitioners and alleged that while he was putting asbestos in the back portion of his house, Samrajiya Devi (petitioner no.1) came and began to abuse. Thereafter Harendra Yadav (petitioner no.2), Lorik Yadav (petitioner no.4), Bachcha Yadav (petitioner no.3), Ranjeet Kumar (petitioner no.5), Lal Badan Yadav (petitioner no.6), Gena Yadav (petitioner no.7), Prabhu Yadav (petitioner no.8), Laloo Yadav (petitioner no.9) having armed with different weapons came and began to assault the informant and his family members. Harendra Yadav (petitioner no.2) is alleged to have assaulted the informant with farsa on his head and the informant having received injury fell down on the ground. When his father and mother came to save, Lorik Yadav (petitioner no.4) assaulted them with iron rod. Laloo Yadav (petitioner no.9) and Lal Badan Yadav (petitioner no.6) assaulted him with lathi. Ranjeet Yadav (petitioner no.5) pulled sari from the body of the wife of the informant with bad intention and Lal Badan Yadav and Harendra Yadav abused the wife of the informant.

Learned counsel for the petitioners submits that the occurrence took place on 28.04.2019 but the F.I.R. was lodged on 05.05.2019. There is a counter version being Sidhwalia P.S. Case No.89 of 2019. The occurrence took place due to land



dispute. The injured Santosh Sah (informant), his father, mother got simple injuries.

From perusal of record, it appears that there is specific allegation of assault against Harendra Yadav (petitioner no.2), Lorik Yadav (petitioner no.4), Lal Badan Yadav (petitioner no.6) and Laloo Yadav (petitioner no.9). Ranjeet Yadav (petitioner no.5) is alleged to have pulled *saree* of the wife of the informant with intention to outrage her modesty. The case from the side of the petitioners was lodged only on 14.05.2019 i.e. after more than two weeks from the date of occurrence.

Having considered the facts aforesaid, I am not inclined to enlarge Harendra Yadav (petitioner no.2), Lorik Yadav (petitioner no.4), Ranjeet Yadav (petitioner no.5), Lal Badan Yadav (petitioner no.6) and Laloo Yadav (petitioner no.9) on anticipatory bail. Accordingly, the same is rejected.

So far the case of Samrajiya Devi (petitioner no.1), Bachcha Yadav (petitioner no.3), Gena Yadav (petitioner no.7) and Prabhu Kumar Yadav (petitioner no.8) is concerned, there is no specific allegation against them.

Having considered the facts aforesaid, Samrajiya Devi (petitioner no.1), Bachcha Yadav (petitioner no.3), Gena Yadav (petitioner no.7) and Prabhu Kumar Yadav (petitioner no.8), in



the event of their arrest or surrender before the learned 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 furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VI, Gopalganj in connection with Sidhwalia P.S. Case No.84 of 2019, 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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