

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67222 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- DARAUNDA District- Siwan

1. SHIV SHANKAR YADAV S/O Late Kisun Yadav
 2. Rajendra Yadav S/O Late Kamal Yadav
 3. Surendra Yadav S/O Gulab Chandra Yadav
 4. Shailendra Yadav @ Shailendra Kumar S/o Gulab Chandra Yadav
 5. Sarvjeet Yadav @ Tuntun S/O Late Chait Yadav
 6. Rupesh Kumar Yadav @ Rupesh Kumar S/o Late Bidya Yadav
 7. Amit Kumar Yadav S/O Deo Narayan Yadav
 8. Awadhesh Yadav @ Awadhesh Kumar Yadav S/O Late Bidya Yadav
 9. Jai Prakash Yadav @ Jai Prakash Kumar Yadav S/O Musafir Yadav
- All are R/O Village Mardanpur, P.S.- Daraunda, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-10-2019 Heard both sides.

The petitioners apprehend their arrest in Daraunda P.S. Case No.56 of 2019 registered under Section 307 and other Sections of the Indian Penal Code.

The informant alleged that on 21.03.2019 at about 10 a.m., he was sitting at his darwaza and his daughter and niece, namely, Rekha Kumari and Rinku Devi respectively were taking water from handpump but Pintu Yadav @ Bullet, Rupesh Kumar Yadav(petitioner No.6), Awadhesh Yadav(petitioner No.8), Amit



Kumar Yadav(petitioner No.7), Rahul Yadav, Chhotelal Yadav came and started dragging his daughter. When Rinku Devi objected and went to pacify the matter, all the six accused persons assaulted her with fist and slab and snatched her Mangalsutra. It is further alleged that Amit Kumar Yadav snatched her ornaments. When the informant and others went to save, Sarvjeet Yadav(petitioner No.5), Omprakash Yadav, Rajendra Yadav(petitioner No.2), Shiv Shankar Yadav(petitioner No.1), Shailendra Yadav(petitioner No.4), Vikash Kumar, Jai Prakash Yadav(petitioner No.9), Vishal Yadav, Raj Narain Yadav, Vikash Kumar, Rajan Yadav, Mantosh Kumar and Surendra Yadav(petitioner No.3) all came and assaulted the informant and others. The villagers brought them to hospital.

The learned counsel for the petitioners submits that out of six persons namely, Pintu Yadav, Rupesh Kumar Yadav, Awadhesh Yadav, Rahul Yadav, Amit Kumar Yadav and Chhotelal Yadav, who are alleged to have teased the daughter and niece of the informant, only three persons are petitioners namely, Amit Kumar Yadav, Awadhesh Yadav and Rupesh Kumar Yadav. Petitioner No.1(Shiv Shankar Yadav), petitioner No.2(Rajendra Yadav), petitioner No.3(Surendra Yadav), petitioner No.4(Shailendra Yadav @ Shailendra Kumar),



petitioner No.5(Sarvjeet Yadav @ Tuntun) and petitioner No.9(Jai Prakash Yadav @ Jai Prakash Kumar Yadav) are alleged to have arrived at the place of occurrence later on and omnibus and general allegation of assault is made against them. From perusal of the injury report, it would appear that the injured got simple injuries. Some scuffle took place.

Taking into consideration the fact aforesaid that Petitioner No.1(Shiv Shankar Yadav), petitioner No.2(Rajendra Yadav), petitioner No.3(Surendra Yadav), petitioner No.4(Shailendra Yadav @ Shailendra Kumar), petitioner No.5(Sarvjeet Yadav @ Tuntun) and petitioner No.9(Jai Prakash Yadav @ Jai Prakash Kumar Yadav) arrived at the place of occurrence later on and there is no allegation against them to tease the daughter and the niece of the informant, let the Petitioner No.1(Shiv Shankar Yadav), petitioner No.2(Rajendra Yadav), petitioner No.3(Surendra Yadav), petitioner No.4(Shailendra Yadav @ Shailendra Kumar), petitioner No.5(Sarvjeet Yadav @ Tuntun) and petitioner No.9(Jai Prakash Yadav @ Jai Prakash Kumar Yadav) in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand)



each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Siwan in connection with Daraunda P.S. Case No.56 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of petitioner No.6(Rupesh Kumar Yadav @ Rupesh Kumar), petitioner No.7(Amit Kumar Yadav), petitioner No.8(Awadhesh Yadav @ Awadhesh Kumar Yadav) is concerned, they are alleged to have come along with Pintu Yadav, Rahul Yadav, Chhotelal Yadav and dragged the daughter and the niece of the informant while they were taking water from the handpump and on protest, they also assaulted them.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner No.6(Rupesh Kumar Yadav @ Rupesh Kumar), petitioner No.7(Amit Kumar Yadav), petitioner No.8(Awadhesh Yadav @ Awadhesh Kumar Yadav) on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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