

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74988 of 2018

Arising Out of PS. Case No.-172 Year-2018 Thana- BANKA District- Banka

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1. Arvind Yadav Son of Late Tufanit yadav
 2. Dharmendra Yadav Son of Late Ramfal Yadav
 3. Fucho Yadav Son of Kailash Yadav All are Resident of Village-Beluticar P.S. Banka, Distt.-Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.Sri Akhileshwar Dayal

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-01-2019 Heard the learned counsel for the petitioners and

learned counsel appearing on behalf of the State.

Petitioner no.1 is languishing in judicial custody since 20.09.2018 while petitioner nos.2 and 3 are languishing in judicial custody since 05.09.2018 in connection with Banka P.S.Case No.172 of 2018 for the offence alleged under Sections 147, 148, 149, 341, 323, 307, 379, 337, 338, 384, 504 and 506 of the Indian Penal Code.

The prosecution case as lodged by the informant Nand Lal Sah is that while he was returning to his house on a motorcycle, the petitioner nos.1 and 3 started abusing him and allegation upon petitioner no.1 is that he assaulted the informant by means of iron rod, petitioner no.3 by means of bamboo stick and petitioner no.2 along with 25 to 30 villagers started throwing bricks and stones.



It has been submitted by the learned counsel for the petitioners is that they are innocent and have falsely been implicated in this case and general and omnibus allegations have been levelled against the petitioners. He submits that the injury on the informant has been found only swelling and bruises and other accused named in the FIR have been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc.No.74936 of 2018 dated 14.12.2018. He further submits that some of the co-accused have also been granted the privilege of pre-arrest bail on similar allegation.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioners, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each in connection with Banka P.S.Case No.172 of 2018 to the satisfaction of CJM, Banka.

(Nilu Agrawal, J)

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