

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69114 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- BABUBARHI District- Madhubani

1. SHAMBHU KUMAR YADAV @ SHAMBHU YADAV Son of Late Ram Avtar Yadav (wrongly mention in Imp. Order Ram Avtar Yadav). Resident of Village- Bhagaul, P.S.- Babubarhi, District- Madhubani (wrongly mention in Impugned order of Village- Bhagaul).
2. Ramprit Yadav @ Ram Preet Yadav Son of Late Rameshwar Yadav (wrongly mention in Imp. Order Rameshwar Yadav). Resident of Village- Bhagaul, P.S.- Babubarhi, District- Madhubani (wrongly mention in Impugned order of Village- Bhagaul).
3. Manoj Kumar Yadav @ Manoj Yadav Son of Jagarnath Yadav @ Jagrath Yadav Resident of Village- Bhagaul, P.S.- Babubarhi, District- Madhubani (wrongly mention in Impugned order of Village- Bhagaul).
4. Malik Yadav Son of Late Uttim Lal Yadav (wrongly mention in Imp. Order Uttim Lal Yadav). Resident of Village- Bhagaul, P.S.- Babubarhi, District- Madhubani (wrongly mention in Impugned order of Village- Bhagaul).

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 63216 of 2019

Arising Out of PS. Case No.-101 Year-2019 Thana- BABUBARHI District- Madhubani

1. JAGARNATH YADAV @ JAGARNATHI YADAV Son of Phudan Yadav Residence of Village- Bagaul (wrongly mentioned Bhagaul in impugned order), P.S.- Babubarhi, District- Madhubani.
2. Krishna Kumar Yadav Son of Ram Bilash Yadav (wrongly mentioned Late Ram Bilash Yadav in impugned order) Residence of Village- Bagaul (wrongly mentioned Bhagaul in impugned order), P.S.- Babubarhi, District- Madhubani.
3. Manoj Kumar Yadav @ Indu Yadav Son of Domi Yadav Residence of Village- Bagaul (wrongly mentioned Bhagaul in impugned order), P.S.- Babubarhi, District- Madhubani.
4. Chandar Yadav Son of Ram Bilash Yadav Residence of Village- Bagaul (wrongly mentioned Bhagaul in impugned order), P.S.- Babubarhi, District- Madhubani.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 69114 of 2019)

For the Petitioner/s : Mr.Gagan Deo Yadav



For the Opposite Party/s : Mr.Shyameshwar Dayal
(In CRIMINAL MISCELLANEOUS No. 63216 of 2019)
For the Petitioner/s : Mr.Gagan Deo Yadav
For the Opposite Party/s : Mr.Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-12-2019 Both the matters have been heard together with

consent of learned counsel for the petitioners and learned

counsel for the informant as well as learned A.P.P. for the

State.

The petitioners are seeking anticipatory bail in
connection with Babubarhi P.S. Case No. 101/2019
registered under Sections 341, 323, 324, 307, 354(B), 447,
379, 504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
there is case and counter case between the parties and both
the parties have indulged in free fight and have assaulted
each other. There are injuries from both the sides. Learned
counsel submits that so far as petitioner nos. 2 & 3 in Cr.
Misc. No. 69114/2019 are concerned, though there are
allegations that they had assaulted the informant on vital
part of his body causing grievous injuries but later on in the
supplementary charge-sheet it has come that the injured was
first examined in a private hospital thereafter brought to the



government hospital, therefore those injuries should also be treated as simple injuries.

So far as other petitioners are concerned, learned counsel submits that there are general and omnibus allegations against them and there is no specific allegation against others of giving any specific injury on any vital part of the body of the informant or any member of the informant side.

Learned counsel for the informant has opposed the prayer for anticipatory bail of the petitioners, however in course of argument, learned counsel admits that petitioner nos. 2 & 3 Ramprit Yadav and Manoj Kumar Yadav are the persons against whom there are specific allegations of causing injuries on the vital part of the body of the informant and, so far as others are concerned, there are general and omnibus allegations and no material has come to indicate that the others had inflicted any injury to the informant side on any vital part of the body or that such injury could have been attributed to any of the petitioners.

Learned A.P.P. for the State also endorses the submission of learned counsel for the informant.



In the given facts and circumstances of the case, in the nature of the submissions of learned counsel for the petitioners as well as learned counsel for the informant that the specific allegation of assault on vital part of the body is against petitioner nos. 2 & 3 in Cr. Misc. No. 69114/2019, the prayer for anticipatory bail of petitioner nos. 2 & 3 is hereby rejected.

In case, they surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit.

So far as the other petitioners in the two cases are concerned, since it is an admitted position that there is no specific allegation against any one of them of giving injury on vital part of the body of the informant side, taking note of the same, this court directs in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - III,



Madhubani, in connection with Babubarhi P.S. Case No. 101/2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

