

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12339 of 2020

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1. Satrugan Yadav S/o Late Ganeshi Yadav
 2. Ashok Yadav @Ashok Kumar Yadav S/o Late Ganeshi Yadav
 3. Dilip Yadav S/o Late Ganeshi Yadav
 4. Laxman Yadav S/o Late Ganeshi Yadav
 5. Ram Chandra Yadav S/o Late Ganeshi Yadav
 6. Laddu Yadav @Suraj Kumar Son of Ram Chandra Yadav
 7. Deepak Yadav @Deepak Kumar Yadav S/o Laxman Yadav
 8. Arvind Yadav @ Arvind Das S/o Bindeshwari Das
 9. Nitish Das @ Nitish Kumar S/o Bindeshwari Das
 10. Bablu Das @bablu Kumar S/o Bindeshwari Das
 11. Soni Devi wife of Arvind Das @ Arvind Yadav
 12. Asha Devi D/o Bindeshwari Das

All are resident of village Amrauri P.S. Fulkaha District
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 8.9.2020

Heard learned counsel for the petitioners and learned
counsel for the State through video conferencing.

The petitioners have filed the instant application for
grant of anticipatory bail apprehending their arrest in
connection with Fulkaha P.S. Case no. 112 of 2019 registered
under sections 307, 436 and other sections of the Indian Penal
Code.

As per allegation in the FIR, the 16 named accused
persons including the 12 petitioners herein are stated to have
come and assaulted the informant and others. It is stated that
Bharat Lal Yadav struck with farsa on the head of the
informant's father while the petitioner no. 4, petitioner no. 10
and Bindeshwari struck with lathi, Dabia etc. Thereafter it is



stated that Bindeshwari Das and Bharat Lal Yadav set the informant's house on fire.

It is submitted by learned counsel for the petitioners that the allegations are general and omnibus in nature. There is case and counter case between the parties on account of admitted land dispute. It further submitted that the allegation of setting the informant's house on fire is false and concocted with a view to make the appearance of the case look serious. The falsity of the case would be evident from the fact that even the lady members of the family have been implicated.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and on going through the materials on record including the case diary, it transpires from the FIR itself that the allegation of assault on the father of the informant is on the petitioner no. 4, petitioner no. 10 and Bindeshwari as also Bharat Lal Yadav. From the injury report of the informant's father, the injuries have been found to be grievous in nature.

In view of the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner nos. 4 and 10 on anticipatory bail and as such their application for anticipatory bail is rejected.

In the facts and circumstances of the case, the Court is inclined to enlarge the petitioner nos. 1, 2, 3, 5, 6, 7, 8, 9, 11 and 12 on anticipatory bail. The petitioners above named are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Fulkaha P.S. Case no. 112 of 2019 they will be enlarged on anticipatory bail on each of them furnishing bail bond of Rs.10,000/ (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned



Judicial Magistrate 1st Class, Araria subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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