

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7569 of 2020

Arising Out of PS. Case No.-192 Year-2019 Thana- CHAUSA District- Madhepura

1. BIMLESH YADAV S/o Rajesh Yadav Resident of Village- Fulout, P.S.- Chousa (O.P. Fulout), Distt- Madhepura.
2. Akhilesh Yadav S/o Rajesh Yadav Resident of Village- Fulout, P.S.- Chousa (O.P. Fulout), Distt- Madhepura.
3. Mukesh Yadav @ Fulo Yadav S/o Bageshwar Yadav Resident of Village- Fulout, P.S.- Chousa (O.P. Fulout), Distt- Madhepura.
4. Manoj Yadav S/o Bageshwar Yadav Resident of Village- Fulout, P.S.- Chousa (O.P. Fulout), Distt- Madhepura.
5. Munna Kumar @ Mola Yadav @ Mola @ Munna Yadav S/o Bageshwar Yadav Resident of Village- Fulout, P.S.- Chousa (O.P. Fulout), Distt- Madhepura.
6. Barun Kumar @ Barun Yadav S/o Late Nageshwar Yadav Resident of Village- Fulout, P.S.- Chousa (O.P. Fulout), Distt- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh
For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-03-2020 Heard learned counsel for the petitioners and

learned Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Chousa (Fulout) P.S. Case No. 192/2019 registered under Sections 147, 341, 323, 307, 448, 380, 504 of the Indian Penal Code and Section 27 of Arms Act.

Learned counsel for the petitioners submits that admittedly the informant and the petitioners' side are having



land dispute and there is a case and counter case with respect to the alleged occurrence. Both the parties have made allegations of assault against each other. It is submitted that on perusal of the First Information report lodged by the informant in this case it would appear that there are general and omnibus allegations against these petitioners . The specific allegation of giving assault on the head of the son of the informant by an iron rod is against co-accused Amlesh Yadav who is not before this court.

It is further submitted that the medical examination report suggest only one injury on the parital side of the head of the son of the informant and that has been specifically attributed to the co-accused Amlesh Yadav. Even the general and omnibus allegations of assault is not substantiated from the injury report as no other injury has been found on the body of the son of the informant.

Learned A.P.P. for the State as well as learned counsel for the informant have though opposed the prayer for anticipatory bail of the petitioners, however in course of argument they accept the factual position appearing from the F.I.R. which clearly states that the blow on the head of



the son of the informant was given by an iron rod and this has been specifically attributed to co-accused Amlesh Yadav.

In the facts and circumstances of the case where there are general and omnibus allegations against these petitioners, the parties are having land dispute, a case and counter case and the specific allegation of assault is against co-accused Amlesh Yadav who is not before this court, let 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 S.D.J.M., Uda-Kishunganj, Madhepura, in connection with Chousa (Fulout) P.S. Case No. 192/2019, 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)

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