

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10632 of 2020

Arising Out of PS. Case No.-405 Year-2019 Thana- BARACHATTI District- Gaya

1. Mahesh Kumar Yadav @ Sonu Yadav, Male, age about 37 years, Son of Darshan Yadav, Resident of Village - Etawa Tola Ghordiha, P.S.- Mohanpur, District- Gaya.
2. Naresh Yadav, age 40 years, Male, Son of Late Bigu Yadav, Resident of Village - Doman Bigaha, P.S.- Mohanpur, District- Gaya.
3. Suresh Yadav, age 27 years, Male, Son of Biku Yadav, Resident of Village - Etawa Tola Chordiha, P.S.- Mohanpur, District- Gaya.
4. Randhir Yadav @ Ramadhir Yadav @ Randhir Kumar, age 27 years, Male, Son of Umesh Yadav @ Randhir Yadav, Resident of Village - Padiya, P.S.- Mohanpur, District- Gaya.
5. Darshan Yadav, Male, age 66 years, Son of Late Mangal Yadav, Resident of Village - Etawa Tola Chourdiha, P.S.- Mohanpur, District- Gaya.
6. Kamalapati Mandal @ Umesh Yadav, Male, age 52 years, Son of Parsad Yadav, Resident of Village - Etawa Tola Chourdiha, P.S.- Mohanpur, District- Gaya.
7. Sanjay Yadav, age 35 years, Male, Son of Hari Yadav, Resident of Village - Doman Bigaha, P.S.- Mohanpur, District- Gaya.
8. Sitaram Yadav, Male, age 67 years, Son of Dhanu Yadav, Resident of Village - Etawa Tola Chordiha, P.S.- Mohanpur, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Md. Jubair Ansari, Advocate.

For the Opposite Party : Mr. Bal Mukund Prasad Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

5 10-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court Proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case



for the offence registered under Sections 341,323, 354, 379, 307 and 504/34 of the I.P.C.

The prosecution story, in brief, is that on 09.08.2019 at about 7.30 P.M. in the evening, when the informant was returning after milking his cow, petitioner nos. 1, 3 and 5 Sonu Yadav, Suresh Yadav and Darshan Yadav assaulted him with Lathi-Danda. When he started fleeing away to save his life, co-accused Sudhir Yadav, petitioner nos. 4, 8 and 2 Ramadhir Yadav, Sitaram Yadav, Naresh Yadav, co-accused Umesh Yadav and petitioner no. 7 Sanjay Yadav surrounding him and assaulted him with Lathi-Danda causing injuries. Co-accused Sudhir Yadav also assaulted with *Iron Khanti* on the head of the informant causing head injury. When his wife and daughter-in-law (*Patohu*) came to save him, they were also assaulted by Lila Devi and Sita Devi causing injuries. Petitioner no. 2 Naresh Yadav took gold chain from the neck of the informant and petitioner no. 7 Sanjay Yadav took gold ear-ring from the ear of the informant's daughter-in-law. Local people admitted the informant to Mohanpur Government Hospital, where he was referred to P.M.C.H., Patna, for better treatment.

It has been submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in



the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is case and counter-case between the parties. The alleged occurrence is said to have taken place for a petty reason. Free fight is also alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Sherghati, Gaya, in connection with Barachatti (Mohanpur) P.S. Case No. 405/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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