

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15255 of 2020

Arising Out of PS. Case No.-252 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. RAMESHWAR YADAV Son of Late Baijnath Yadav Resident of Village - Pratappur, Police Station - Shambhuganj, District - Banka.
2. Bijoy Kumar Yadav @ Bijay Yadav Son of Late Baldeo Yadav Resident of Village - Pratappur, Police Station - Shambhuganj, District - Banka.
3. Dabil Yadav @ Chhabli Yadav @ Mritrujay Yadav son of Late Baldeo Yadav Resident of Village - Pratappur, Police Station - Shambhuganj, District - Banka.
4. Mantu Yadav S/O Sri. Rameshwar Yadav Resident of Village - Pratappur, Police Station - Shambhuganj, District - Banka.
5. Gorelal Yadav @ Jai Kumar Son of Late Baldeo Yadav Resident of Village - Pratappur, Police Station - Shambhuganj, District - Banka.
6. Sanjay Yadav S/O Late Baldeo Yadav Resident of Village - Pratappur, Police Station - Shambhuganj, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-09-2020 Heard both sides.

The matter has been taken up through video conferencing.

The petitioners apprehend their arrest in Shambhuganj P.S. case No. 252/2019 registered under Section 147, 148, 323, 307, 379, 354B, 504, 506 of the IPC and u/s 27 of the Arms Act.

The informant altogether named 13 persons including the six petitioners and alleged that they all surrounded her



husband. Rahul Kumar caught the hands of her husband and pulled him from the motor cycle. Mithilesh Yadav, Chavil Yadav, petitioner No.3, and Mantu Yadav, petitioner No.4, pushed her husband from the road. Champa Devi, Nilam Devi and Bulbul Devi brought Khanti, Garasa and pistol from the house and handed over the same to their husband. Mithilesh Yadav assaulted her husband with Garasa on his head. Rameshwar Yadav, petitioner No.1, is said to have ordered to kill the husband of informant. Rahul Kumar took out pistol and aimed at the temple of husband of informant. It is further alleged that when Sunil Kumar Yadav, brother-in-law of the informant, came to save Pinku Yadav and Raja Yadav are alleged to have assaulted Sunil Yadav. Her husband and brother-in-law became unconscious.

The learned counsel for the petitioners submits that, of course, the petitioners are named in the FIR but no allegation of assault is made against the petitioners. There is counter version being Shambhuganj P.S. case No. 247/2019. Rahul Kumar is informant of the case and he gave a different version of the occurrence. Rahul Kumar objected for playing orchestra on the eve of Durga Puja and for that husband of informant and others brutally assaulted him. The present case was lodged



much after the case lodged by the Rahul Kumar.

The learned APP opposed the prayer for anticipatory bail but at the same time admitted that there is no allegation of assault against the petitioners.

Taking into consideration the facts that there is case and counter case and the informant, of course, named the petitioners in the FIR but no allegation of assault is made against the petitioners, the petitioners, above named, in the event of their arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Banka in connection with Shambhuganj P.S. case No. 252/2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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