

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11823 of 2020

Arising Out of PS. Case No.-263 Year-2019 Thana- JHAJHA District- Jamui

1. Damru Yadav Son of Kailu Yadav Resident of Village - Bajala, P.S.- Jhajha, District- Jamui
2. Kailu Yadav Son of Daurik Yadav Resident of Village - Bajala, P.S.- Jhajha, District- Jamui
3. Khuman Yadav @ Kuman Yadav @ Kumhan Yadav Son of Daurik Yadav Resident of Village - Bajala, P.S.- Jhajha, District- Jamui
4. Sarlu Yadav @ Ashok Yadav Son of Kailu Yadav Resident of Village - Bajala, P.S.- Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Mahto, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-06-2020 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 Jhajha P.S. Case no. 263 of 2019 registered under sections 147, 148, 149, 341, 323, 324, 307, 506 and 504 of the Indian Penal Code.

As per allegation in the FIR, while the father of the informant namely Bigo Yadav was returning home, 10 named accused persons including the four petitioners herein surrounded



him. It is stated that one Ganesh Yadav struck with a Tangi on the head of the father of the informant as a result of which he sustained injury and started to bleed. It is further stated that on the brothers of the informant going to father's rescue, they were also beaten up and injured.

It is submitted by learned counsel for the petitioners that there was case and counter case between the parties, the correct version having been stated in the FIR which is at Annexure 3 to the petition lodged by the wife of the petitioner no. 1. Referring to the injury reports brought on record as Annexure 2 series to the petition, it is submitted that in the opinion of the doctor the injuries found on Rohit Yadav, Rajo Yadav as also all injuries except 1 of Jito Yadav have been found to be simple in nature. The grievous injury found on Sito Yadav should be directly attributable to Ganesh Yadav and not the petitioners herein. It is further submitted that the petitioners have no criminal antecedent.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the case and counter case between the parties, nature of injuries and the petitioners have no criminal antecedent, the Court is inclined to enlarge the petitioners on anticipatory bail.



The four petitioners 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 Jhajha P.S. Case no. 263 of 2019 they will be enlarged on 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 Sub-Divisional Judicial Magistrate, Jamui subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

Prakash/-

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