

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10554 of 2020

Arising Out of PS. Case No.-549 Year-2019 Thana- NARPATGANJ District- Araria

1. Gayanand Yadav , 45 years, Male, Son of Late Bhuduki Yadav
 2. Ajay Yadav @ Ajay Kumar , 28 years, Male, Son of Gayanand Yadav
 3. Madho Devi @ Mahav Devi, 49 years, Female, Wife of Ram Kishun Yadav
 4. Laliya Devi, 35 years, Female, Wife of Yoganand Yadav
 5. Puniya Devi @ Basanti Devi @ Punam Devi, 42 years, Female, Wife of Gayanand Yadav
 6. Bhogi Lal Yadav, 52 years, Male, Son of Ayodhi Yadav
 7. Arjun Yadav , 28 years, Male, Son of Ram Kishun Yadav
 8. Ram Kishun Yadav , 55 years, Male , Son of Late Bechan Yadav
 9. Janardan Yadav, 42 years, Male, Son of Late Bechan Yadav,
 10. Babunand Yadav , 36 years, Male, Son of Late Bechan Yadav
- Petitioner no. 1 to 6 Resident of village – Khaira Gadia, P.S. Narpatganj.
Petitioner no. 7 to 10 resident of village – Babuan, P.S. Ghurna, All District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Mukesh Kumar Rana
For the Opposite Party/s :	Mr.Akbar Ali
	Mr. Awadhesh Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-09-2020 Heard Mr. Mukesh Kumar Rana, learned counsel for the petitioners, Mr. Awadhesh Kumar Pandey, learned counsel appearing for the informant and Md. Akbar Abli, learned counsel appearing for the State through video conferencing.

Petitioners apprehend arrest in connection with Narpatganj P.S. Case No. 549 of 2019 registered for the offence



punishable under Section 147, 148, 149, 341, 323, 324, 325, 307, 354B, 379, 504 of the I.P.C. and later on Section 302 of the I.P.C. has been added.

The allegation against the petitioners is that on the date of occurrence i.e. on 16.09.2019 at about 11.00 A.M. the informant was ploughing his land along with his family members, then all of a sudden 12 accused persons named in the F.I.R. arrived near the field with deadly weapons in their hands and accused persons started assaulting the informant and his family members resulting in death of Jagdish Yadav, who is younger brother of the informant and altogether 7-8 persons received injuries in the assault made by the petitioners and other family members.

Learned counsel for the petitioners submits petitioners have falsely been implicated in this case due to land dispute and all family members from the side of the petitioners have been made accused including lady members of the family. Learned counsel further submits that allegation against the petitioners are general and omnibus in nature, particularly, there is no specific allegation of assault upon the lady members of the side of the accused.

On the other hand, learned counsel appearing for the



informant submits that there is specific allegation against the accused persons that they assaulted with common intention to the informant and his family members which resulted in the death of the younger brother of the informant and seven of the family members of the informant also received injuries, as such, petitioners do not deserve the privilege of anticipatory bail.

Having regard to the submission made by the parties and taking into consideration materials available on record and the fact that petitioners are named in the F.I.R. and there is specific allegation against them of assaulting the informant and his family members, I am not inclined to grant anticipatory bail to the petitioners, except the lady members of the family of the side of the petitioners, who are petitioner nos. 3, 4 and 5 taking into consideration the provision enshrined in Section 437 of the Cr.P.C.

Accordingly, the prayer for anticipatory bail on behalf of petitioner nos. 1, 2, 6, 7, 8, 9 and 10 is rejected and the petitioner nos. 3, 4, and 5 namely, Madho Devi @ Mahav Devi, Laliya Devi and Puniya Devi @ Basanti Devi @ Punam Devi in the event of arrest or surrender before the court below within a period of six weeks from today are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Araria / court concerned in connection with Narpatganj P.S. Case No. 549 of 2019 subject to the condition as laid down in Section 438 (2) of the Cr.P.C.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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