

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11116 of 2020

Arising Out of PS. Case No.-362 Year-2019 Thana- PAKARIBARAW District- Nawada

1. KAMESER YADAV @ KAMESHWAR YADAV Son of Gajo Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.
2. Resham Yadav Son of Gendo Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.
3. Uday Yadav @ Udav Jadav Son of Badri Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.
4. Binod Yadav Son of Ramadhin Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.
5. Harinandan Yadav @ Hirdayanand Yadav Son of Gajo Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.
6. Umesh Yadav Son of Badri Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.
7. Vijay Yadav Son of Shivbalak Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.
8. Kundan Yadav Son of Mahendra Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.
9. Rupesh Yadav Son of Harinandan Yadav @ Hirdayanand Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.
10. Bhola Yadav Son of Kameshwar Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.
11. Vinay Yadav Son of Shivbalak Yadav Resident of Village - Raje Bigha, P.S. - Pakaribarawan, District - Nawada.

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-03-2020 Learned counsel for the petitioners seeks permission to withdraw this application in respect of petitioner no.4-Binod Yadav, submitting that during pendency of this application the



said petitioner has been apprehended, as such this application has become infructuous.

Permission is granted.

Accordingly, this application in respect of petitioner no.4-Binod Yadav is dismissed as infructuous.

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

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, & 307 of the Indian Penal Code and Section 27 of the Arms Act.

While the informant was proceeding towards his field he saw that all the accused persons including these petitioners have assaulted his brothers and nephew with lathi, danda, garasa and pistol due to which his brother sustained injury on his hand and head and when he went there to pacify the matter then Ramashish Yadav assaulted him with garasa causing injury on his finger and Sanjay Yadav made firing with pistol but, unfortunately, it did not hit him. Thereafter, Mahendra Yadav assaulted him with lathi on his head causing injury on his head and he fell down and became unconscious. He was carried to Pakribarawan Hospital for treatment and due



to critical condition his brother Lalu Yadav was referred to P.M.C.H., Patna.

It is submitted by learned counsel for the petitioners that no such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. As a matter of fact, both the parties are neighbour and on the alleged date of occurrence some altercation took place with the informant and Ramashish Yadav was tying the cow and petitioners had gone there to settle the dispute. Petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Nawada in connection with Pakaribarawan P.S. Case No.362 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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(Anjani Kumar Sharan, J)

