

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18172 of 2020

Arising Out of PS. Case No.-13 Year-2019 Thana- KAMTAUL District- Darbhanga

1. Kailash Yadav, aged about 46 years, Male, Son of Late Bhaijee Yadav, Resident of Village - Jodhiya, Police Station - Kamtaul, District - Darbhanga.
2. Ramdeo Yadav, aged about 61 years, Male, Son of Late Bhaijee Yadav, Resident of Village - Jodhiya, Police Station - Kamtaul, District - Darbhanga.
3. Indradeo Yadav, aged about 50 years, Male, Son of Late Bhaijee Yadav, Resident of Village - Jodhiya, Police Station - Kamtaul, District - Darbhanga.
4. Phulo Yadav, aged about 45 years, Male, Son of Late Bishwa Mohan Yadav, Resident of Village - Jodhiya, Police Station - Kamtaul, District - Darbhanga.
5. Khelaru Yadav @ Khelary Yadav @ Vishnu Dutta Yadav @ Vishny Dutt Yadav, aged about 29 years, Male, Son of Late Bishwa Mohan Yadav, Resident of Village - Jodhiya, Police Station - Kamtaul, District - Darbhanga.
6. Amit Yadav, aged about 18 years, Male, Son of Sri Kailash Yadav, Resident of Village - Jodhiya, Police Station - Kamtaul, District - Darbhanga.
7. Ashok Yadav, aged about 25 years, Male, Son of Sri Ramdeo Yadav, Resident of Village - Jodhiya, Police Station - Kamtaul, District - Darbhanga.
8. Rajan Yadav, aged about 35 years, Male, Son of Sri Shalender Yadav @ Satender Yadav, Resident of Village - Jodhiya, Police Station - Kamtaul, District - Darbhanga.
9. Bindeshwar Yadav, aged about 47 years, Male, Son of Late Jagni Yadav @ Jogni Yadav, Resident of Village - Jodhiya, Police Station - Kamtaul, District - Darbhanga.
10. Rakesh Kumar Yadav, aged about 28 years, Male, Son of Tej Narayan Yadav, Resident of village - Neyatola, Police Station - Nanpura, District - Sitamarhi.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr.Syed Ashfaque Ahmad, Advocate.
For the State	:	Mr. Shailendra Kumar Singh, A.P.P.
For the Informant	:	Mr. Sanjeev Jha, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH



ORAL ORDER

2 13-08-2020 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, learned A.P.P. for the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 149, 341, 323, 307, 504 and 506 of the IPC. Later on, Section 302 of the IPC was also added.

The prosecution story, in brief, is that on 03.01.2019 at 12.00 in the night, the informant was sleeping in his house, in the meantime, he heard noise from north side upon which, he rushed to the house of his cousin brother where he used to sleep but he did not find his cousin brother on his bed. On suspicion, he proceeded towards noise area then he saw Kailash Yadav and other accused persons were beating his cousin brother Vishwa Mohan Yadav with Lathi, Danda and rod and when he intervened and tried to save his brother then the accused persons also began to assault the informant with Lathi and Danda on his back and hand. Thereafter, accused Kailash Yadav ordered to kill him. It is further alleged that accused persons, namely, Amit



Yadav and Madan Yadav both having Iron rod assaulted the cousin brother of the informant repeatedly due to which, he became unconscious. It is further alleged that accused Anmol Yadav and Phulo Yadav also assaulted with Khanti to Vishwamohan Yadav on his head, hand, back, feet and face due to which, he received injuries. Anyhow the informant escaped from there and reached at his home then Pappu Yadav and others informed the police and when the informant reached near the house of accused Kailash Yadav then he saw that accused Ram Dev Yadav, Indradev Yadav and Rajan Yadav having night soil kept in a bottle and administered the same to his brother. In the meantime, the police came there and the accused persons fled away. The people of the vicinity brought them to D.M.C.H. for treatment but the doctor seeing critical condition of the patient referred him P.M.C.H. Patna.

It has been submitted by learned counsel for the petitioners that the petitioner nos. 8 and 9 have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. Initially, the case was instituted for the offence under Sections 147, 149, 341, 323, 307, 504 and 506 of the IPC. Later on, Section 302 of the I.P.C. was also added. As far as petitioner no. 4 is concerned, there is



specific allegation of assault against him. So far as rest of the petitioners are concerned, no specific allegation of assault is alleged against them. General and omnibus allegation has been made.

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

Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioner no. 4 (Phulo Yadav). The same is rejected in connection with Kamtaul P.S. Case No. 13/2019, pending in the court of learned S.D.J.M., Darbhanga.

Further, let the petitioner nos. 1, 2, 3, 5, 6, 7, 8, 9 and 10 (except petitioner no. 4) above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned S.D.J.M., Darbhanga, in connection with Kamtaul P.S. Case No. 13/2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner nos. 1, 2, 3, 5, 6, 7, 8, 9 and 10 (except petitioner no. 4) shall furnish bail



bonds of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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