

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23212 of 2020

Arising Out of PS. Case No.-293 Year-2019 Thana- SIMRI District- Buxar

1. VYAPARI YADAV @ VYAPARI SINGH Son of Shiv Bachan Yadav Resident of Village - Simari Dudhi Patti, P.S. - Simari, District - Buxar.
2. Bangali Yadav Son of Shiv Bachan Yadav Resident of Village - Simari Dudhi Patti, P.S. - Simari, District - Buxar.
3. Hare Ram Yadav Son of Nagina Yadav Resident of Village - Simari Dudhi Patti, P.S. - Simari, District - Buxar.
4. Munna Yadav Son of Nagina Yadav Resident of Village - Simari Dudhi Patti, P.S. - Simari, District - Buxar.
5. Ganga Sagar Yadav Son of Nagina Yadav Resident of Village - Simari Dudhi Patti, P.S. - Simari, District - Buxar.
6. Gupteshwar Yadav Son of Nagina Yadav Resident of Village - Simari Dudhi Patti, P.S. - Simari, District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Sukriti Kumari
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 30-09-2020 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.

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned



APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 307, 447, 379, 504 and 507 of I.P.C.

Allegation is that the accused persons including the petitioners variously arms with rod, fatta of bamboo, big knife came and assaulted the brother of the informant, namely, Sanjay Yadav, due to which he sustained head injury and became unconscious and fell down. When his wife Manwasho Devi came to save him, the petitioner Nos.1 and 2 assaulted her with big knife, as a result of which she sustained injury on upper side of right eye brow.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The petitioners No.1 and 2 are alleged to have assaulted Manwasho Devi. From the order of the Sessions Court, it appears that the injury caused by Manwasho Devi is said to be simple in nature. Further there is general and omnibus allegation against all the accused persons causing injury on Sanjay Yadav and said injury is said to be grievous in nature, but



no specific injury has been attributed against the petitioner assaulting Sanjay Yadav. Hence no offence under Section 307 of I.P.C. is made out. At best it is a case for offence under Section 325 of I.P.C. The alleged incident had taken place for petty reasons.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Simari P.S. case No.293 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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