

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29262 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- BIBHUTIPUR District- Samastipur

1. Sunil Yadav Son of Yogendra Yadav Resident of Village- Surouli Ward No.02, P.S.- Bibhutipur, Distt- Samastipur.
2. Yogendra Yadav Son of Late Ram Swaroop Yadav Resident of Village- Surouli Ward No.02, P.S.- Bibhutipur, Distt- Samastipur.
3. Lochan Yadav Son of Late Ram Swaroop Yadav Resident of Village- Surouli Ward No.02, P.S.- Bibhutipur, Distt- Samastipur.
4. Jalandhar Yadav Son of Late Ram Swaroop Yadav Resident of Village- Surouli Ward No.02, P.S.- Bibhutipur, Distt- Samastipur.
5. Rakesh Yadav Son of Lachan Yadav Resident of Village- Surouli Ward No.02, P.S.- Bibhutipur, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 05-12-2020 Heard learned counsel for petitioners and learned
A.P.P. for the State through video conferencing.

The petitioners apprehend their arrest in Vibhutipur P.S. Case No. 07 of 2020 registered for the offence under Section 307 & other allied sections of the Indian Penal Code.

As per the prosecution case, on 22-12-2019, while the informant was preparing for measurement of the land with his co-sharer at his home, all the FIR named accused persons including these petitioners came there armed with *lathi-danda* and started assaulting him. It is further alleged that petitioner no. 1 took away Rs. 20,000/- from the informant's bag.



It is submitted on behalf of petitioners that specific allegation of assault is against co-accused Ram Naresh Yadav and Pramod Yadav. So far as these petitioners are concerned, there is general and omnibus allegation. Petitioners are own *gotiyas*. Old land dispute is going on between the parties. It is stated in paragraph – 3 of the petition that petitioners have got no criminal antecedent.

Considering the nature of allegation and the fact that there is no specific overt act against these petitioners, the bail application of petitioners is allowed. In the event of their arrest or surrender within a period of eight weeks from the date receipt/production of copy of this order, let the above-named petitioners be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 2nd Addl. Chief Judicial Magistrate, Rosera (Samastipur) in connection with Vibhutipur P.S. Case No. 07 of 2020, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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