

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33179 of 2020**

Arising Out of PS. Case No.-88 Year-2020 Thana- MADANPUR District- Aurangabad

1. DHARMENDRA KUMAR @ DHARMENDRA YADAV @ DHARMENDRA KUMAR YADAV S/o Ramswarup Yadav R/o village- Gangti, P.S.- Guraru, District- Gaya
2. Sunil Kumar S/o Rajendra Prasad R/o village- Fudaki Bigha, P.S.- Madanpur, District- Aurangabad
3. Pintu Kumar @ Pintu Kumar Rajak S/o Yogendra Baitha R/o village- Fudaki Bigha, P.S.- Madanpur, District- Aurangabad
4. Pankaj Kumar S/o Surendra Yadav @ Surendra Prasad R/o village- Fudaki Bigha, P.S.- Madanpur, District- Aurangabad
5. Ravinranjan Kumar S/o Surendra Yadav @ Surendra Prasad R/o village- Fudaki Bigha, P.S.- Madanpur, District- Aurangabad
6. Mithu Baitha S/o Late Rameshwar Baitha R/o village- Fudaki Bigha, P.S.- Madanpur, District- Aurangabad

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioners : Mr.Ashok Kumar

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

3      22-12-2020                      Heard Mr. Ashok Kumar, learned counsel appearing on behalf of the petitioners and Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Madanpur P.S. Case No.88 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 504, 506, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

32 persons have been named in the First Information



Report including these petitioners. It appears that in respect of some land dispute an altercation had taken place between the informant over extracting earth from a piece of land belonging to the informant's nephew. Allegedly, the accused persons were hurling abuses and when informant's brother and his nephew interceded, they started assaulting the informant and others with *lathi*. It is further alleged that they summoned others also, whereafter petitioners and other persons came and started assaulting the informant and his family members. There is specific allegation of assault against co-accused Ravi Ranjan Kumar with *lathi*, Ramesh Yadav with country made pistol and sickle. Further, there is allegation against co-accused Ramanand Yadav of firing, which also caused fire-arm injuries. Allegations are also there against co-accused Shatrughan Yadav and Kulendra Yadav.

Learned counsel appearing on behalf of the petitioners has submitted that there is no specific allegation against these petitioners nor any specific overt act has otherwise been alleged in the First Information Report against them.

On perusal of First Information Report, I find substance in submission made on behalf of the petitioner that there is no specific allegation of any overt act against these



petitioners. Since the petitioners are in custody since 21.05.2020 and there is no specific allegation against them, this application is allowed.

Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad, in Madanpur P.S. Case No.88 of 2020.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall



be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

**(Chakradhari Sharan Singh, J)**

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