

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15005 of 2021**

Arising Out of PS. Case No.-61 Year-2020 Thana- MAKHDUMPUR District- Jehanabad

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1. UPENDRA YADAV Son of Janeshwar Yadav Resident of Village - Daudpur, P.S.- Madkhdumpur, District- Jehanabad.
2. SANJAY YADAV Son of Dilkeshwar Yadav Resident of Village - Daudpur, P.S.- Madkhdumpur, District- Jehanabad.
3. BHAVNATH YADAV Son of Janeshwar Yadav Resident of Village - Daudpur, P.S.- Madkhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Devendra Kumar, Advocate  
For the Opposite Party/s : Mr.Dilip Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      17-11-2021                      Heard learned counsel for the petitioners and learned  
APP for the State.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.2, as the petitioner No.2 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.2 is dismissed as withdrawn.



The petitioner Nos.1 and 3 are apprehending his arrest in connection with Makhdumpur P.S. case No.61/20 registered under Sections 147, 148, 149, 341, 323, 324, 307, 379, 460, 504, 506 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner Nos.1 and 3 abused and threatened the informant. On protest of the informant, co-accused Lalu Yadav assaulted with garasa causing injury on head of the informant. When informant's son came to save him, co-accused Dipu Yadav assaulted him with khanti and co-accused Dilip Yadav assaulted to Fula Devi causing fracture of her hand.

It has been submitted on behalf of the petitioner No.1 and 3 that there is no allegation of tampering of witnesses alleged against the petitioner Nos.1 and 3. The petitioner Nos.1 and 3 have falsely been implicated in the present case. Specific allegation of assault is alleged against the co-accused, namely, Lalu Yadav, Dipu Yadav and Dilip Yadav. So far the petitioner Nos.1 and 3 are concerned, general and omnibus allegation has been made. No specific overt act is alleged against the petitioner Nos.1 and 3. The alleged occurrence is said to have taken place on 08.02.2020 and the case was instituted on 13.02.2020. Delay has not been explained by the prosecution.



On behalf of the State, it is submitted that the petitioner Nos.1 and 3 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner Nos.1 and 3, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Makhdumpur P.S. case No.61/20, 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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