

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22266 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- MAGADH UNIVERSITY District- Gaya

1. RADHA MOHAN YADAV @ RADHE MOHAN YADAV S/o Fadan Yadav R/o Village- Asni, P.S.- Magadh University, District- Gaya.
2. Surendra Yadav S/o Mahadeo Yadav R/o Village- Asni, P.S.- Magadh University, District- Gaya.
3. Kalyan Yadav S/o Sadhu Yadav R/o Village- Asni, P.S.- Magadh University, District- Gaya.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Binod Kumar, Advocate.
For the State : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 25-03-2021 In view of the submission and undertaking of the learned counsel for the petitioners, at the time of hearing of this application, through Video Conferencing, that he would remove the defect(s), as pointed out by the office vide its notes dated 23.03.2021, within four weeks of starting of the Court proceeding in physical mode in normal course, he is permitted to remove the same accordingly.

At the very outset, learned counsel for the petitioners, through Video Conferencing, submits that the petitioner no.2, namely, Surendra Yadav, has already been arrested by the police in this case and, as such, this application, in respect of the petitioner no.2, namely, Surendra Yadav, to grant him the privilege of pre-arrest bail has become infructuous and seeks permission to withdraw this application in respect of the petitioner no.2, namely, Surendra Yadav.



Permission is accorded.

This application in respect of the petitioner no.2, namely, Surendra Yadav, is dismissed as withdrawn.

Now, only the prayer of the petitioner nos.1 and 3, above named, to grant them the privilege of pre-arrest bail is being considered, through Video Conferencing.

Heard learned counsel for the petitioner nos.1 and 3, above named, and the learned A.P.P. for the State, through Video Conferencing.

The petitioner nos.1 and 3, above named, apprehend their arrest in connection with Magadh University P.S. Case No.101 of 2020 registered under Sections 147, 148, 149, 323, 324, 307, 341, 504 and 506 of the Indian Penal Code.

The accusation is that in the evening of 22.08.2020, Mithilesh Kumar alias Jamuna Yadav and Upendra Yadav, the uncle and cousin uncle respectively of the informant Rajesh Kumar, were present at their door. At that time, Ram Sewak Yadav and Ramnandan Prasad (Shikchhak) came there and started to abuse. On hearing 'Hullah', Ranjeet Kumar, Ranveer Kumar, Randheer Kumar, Ranchore alias Ravi and Ravi Ranjan alias Amit Aryan, all sons of Ram Sewak Yadav, having Lathi, Danda, Rod, Farsa, Khanti and Garasa in their hand came there and started to abuse and cause assault. When cousin grandmother and Chandan Kumar, the cousin brother of the informant, reached there, then they were also assaulted.



Mithilesh Kumar, the uncle of the informant, was assaulted through Khanti by Ramnandan Prasad Shikchhak and Ram Sewak Yadav caused injury at the forehead of the informant through Garasa. Surendra Yadav was also assaulting to them through Farsa. At that time, Radha Mohan Yadav (petitioner no.1) and Kalyan Yadav (petitioner no.3) having Rod and Garasa caused injury to Upendra Yadav, the cousin uncle of the informant. The informant and others were rushed to Jai Prakash Narayan Hospital, Gaya, for treatment from where seeing the grievous injury of Mithilesh Kumar, he was referred to Patna, while the informant and Upendra Yadav were discharged from there.

Learned counsel for the petitioner nos.1 and 3, above named, submits that, in fact, the occurrence of “Maar-Peet” took place in between the family of both the parties in which the side of the petitioner nos.1 and 3 also sustained injury regarding which on the basis of the fardbeyan of the co-accused Ram Sewak Yadav, Magadh University P.S. Case No.96 of 2020 was also instituted against the prosecution party. Further submission is that the petitioner nos.1 and 3 have no criminal antecedents. While allegation has been made against the petitioner nos.1 and 3 to cause injury to Upendra Yadav, the cousin uncle of the informant, but it would appear from the F.I.R. that the informant and his cousin uncle Upendra Yadav were discharged from the hospital.

Having considered the facts and the circumstances of the



case, let the petitioner nos.1 and 3, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Smt. Neha Tripathi, Judicial Magistrate, Gaya, in connection with Magadh University P.S. Case No.101 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

Accordingly, this application stands disposed of.

(Rajendra Kumar Mishra, J)

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