

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38947 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- MADANPUR District- Aurangabad

1. Mahendra Yadav, Son of Kashi Yadav @ Sri Kashi Yadav, Resident of Village- Sinduara, P.S.- Madanpur, District- Aurangabad (Bihar).
2. Harinandan Yadav, Son of Mahendra Yadav, Resident of Village- Sinduara, P.S.- Madanpur, District- Aurangabad (Bihar).
3. Rajnath Yadav @ Rajinath Yadav, Son of Mahendra Yadav, Resident of Village- Sinduara, P.S.- Madanpur, District- Aurangabad (Bihar).
4. Harinath Yadav, Son of Mahendra Yadav, Resident of Village- Sinduara, P.S.- Madanpur, District- Aurangabad (Bihar).
5. Viswanath Yadav, Son of Mahendra Yadav, Resident of Village- Sinduara, P.S.- Madanpur, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Leelawati Kumari, Advocate.
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 27-09-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office, within four weeks from today.

Learned counsel for the petitioners seeks permission to withdraw this application, as petitioner nos. 1 and 5, namely, Mahendra Yadav and Viswanath Yadav, have been arrested by the police.

Permission is accorded.

Accordingly, this application is dismissed as withdraw



with respect to petitioner nos. 1 and 5, namely, Mahendra Yadav and Viswanath Yadav.

Heard learned counsel for the petitioner nos. 2, 3 and 4, namely, Harinandan Yadav, Rajnath Yadav @ Rajinath Yadav and Harinath Yadav and the learned A.P.P. for the State.

The petitioner nos. 2, 3 and 4, namely, Harinandan Yadav, Rajnath Yadav @ Rajinath Yadav and Harinath Yadav apprehend their arrest in connection with Madanpur P.S. Case No. 108 of 2020, registered under Section 307 and other allied Sections of the Indian Penal Code.

The accusation is that Nitu Kumari, daughter of Harinandan Yadav died before fifteen days due to illness but Harinandan Yadav blamed to Vijay Prasad, father of the informant, Jitendra Kumar to kill her daughter by playing exorcism due to that reasons, on several occasions scuffle took place in between the informant and Harinandan Yadav. On 08.06.2020, 17 persons named in the FIR including the petitioners, in the late evening, came at the house of informant, Jitendra Kumar variously armed with weapons and forcibly entered in the house. At that time, Harinandan (petitioner no.2) and Harinath (petitioner no.4) assaulted his father through lathi, causing fracture injury at his hand and head. Thereafter,



Harinath (petitioner no.4), Vishwanath (petitioner no.5), Jairam and Ravinath started to assault his brother, Gajendra Prasad, through lathi and stick causing injury at his head. In the meantime, Umesh Ram, Satendra Rai, Abhishekh Yadav and Manu Yadav misbehaved his sister-in-law and Satendra Rai snatched her gold chain. Thereafter, Umesh Ram, Abhishekh Yadav, Shiv Kumar Ram and Gopal Ram came there and also misbehaved his sister-in-law and they also took away the household articles and damaged the motorcycle.

Learned counsel for the petitioner nos. 2, 3 and 4, namely, Harinandan Yadav, Rajnath Yadav @ Rajinath Yadav and Harinath Yadav submits that due to petty dispute, occurrence of Marpit took place, regarding which, Madanpur P.S. Case No. 111 of 2020 is also instituted on the basis of Fradbeyan of Choukidar, Uday Paswan against 30 persons and 300 unknown. Further submission is that the injuries, as found on the person of Gajendra Prasad, brother of the informant, is simple in nature and out of three injuries of Vijay Singh, father of the informant, injury no. 2 and 3 are simple in nature, while injury no. 1 is said to be grievous in nature which is laceration in dimension of 1 ½” x ½” x 1/2” but not dangerous to life.

Having regard to the facts and circumstances of the



case, let the petitioner nos. 2, 3 and 4, namely, Harinandan Yadav, Rajnath Yadav @ Rajinath Yadav and Harinath Yadav be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Chief Judicial Magistrate, Aurangabad, in connection with Madanpur P.S. Case No. 108 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Bhardwaj/-

(Rajendra Kumar Mishra, J)

U		T	
---	--	---	--

