

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30988 of 2020

Arising Out of PS. Case No.-221 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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1. Rajendra Yadav, aged about 75 years, Male, S/o Late Ramswaroop Yadav, Resident of Village-Saramohanpur, P.S.-Sadar, District-Darbhangha.
 2. Ram Babu Yadav, aged about 54 years, Male, S/o Rajendra Yadav, Resident of Village-Saramohanpur, P.S.-Sadar, District-Darbhangha.
 3. Raja Kumar @ Raja Yadav, aged about 20 years, Male, S/o Ramagya Yadav, Resident of Village-Saramohanpur, P.S.-Sadar, District-Darbhangha.
 4. Nand Kishore Kumar @ Nand Kishore Yadav, aged about 20 years, Male, S/o Rudal Yadav, Resident of Village-Barkihatha, P.S.-Kamtaul, District-Darbhangha.
 5. Rudal Yadav, aged about 55 years, Male, S/o Bhola Yadav, Resident of Village-Barkihatha, P.S.-Kamtaul, District-Darbhangha.
 6. Raj Kumar Yadav, aged about 24 years, Male, S/o Rudal Yadav, Resident of Village-Barkihatha, P.S.-Kamtaul, District-Darbhangha.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Deepak Kumar, Advocate.
For the Opposite Party : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-02-2021 Learned counsel for the petitioners is directed to

remove the defects, as pointed out by the office, within a period

of four weeks.

Heard learned counsels for the petitioners, informant

and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case

for the offence registered under Sections 147, 148, 149, 341,

323, 307, 325, 379 and 427 of the I.P.C.



The prosecution story, in brief, is that on 23.05.2020, Binda Devi alongwith her two daughters-in-law spread human excreta on the way resulting bad smell. On enquiry, F.I.R. named accused persons including the petitioners on pre-planned way, armed with various weapons came and surrounded the informant and on the order of Lal Babu Yadav, Raj Kumar Yadav assaulted with *Farsa* causing head injury to him and Binda Devi assaulted with *Khanti* on his head and Raja Yadav assaulted with *Bhala* on the right leg and Ram Babu Yadav assaulted with *Iron rod* on the head and when he tried to save himself from his hand, in the meantime time, Rajendra Yadav assaulted with *Khanti* on leg. Binda Devi hampered teeth and when his brother Shiv Sagar Yadav came to save, Lal Babu Yadav also assaulted with *Farsa* on his head and Nand Kishore Yadav assaulted with *Tengari* on the head of the brother of the informant as result of which, he fell down. Rudal Yadav assaulted with *Khanti* which hit the right hand sustaining injury and on unconscious position, Raja Yadav assaulted with *Iron rod* resulting injury on left leg. On hulla, nearby people arrived and saved the informant and his brother in the meantime, Binda Devi and Sumanti Devi entered his office scattered the books and damaged the articles, causing monetary loss of Rs. 80,000/-



and some of them entered in the house and fled away with briefcase containing clothes, jewellery and cash Rs. 50,000/-. With the help of nearby people, injured went brought to P.H.C. then referred to R.B. Memorial Hospital, Darbhanga for treatment.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case for oblique reason. On the spur of the moment, the alleged occurrence is said to have taken place. There is no intention to commit murder of the victims. If the allegation is accepted, at best, an offence under Section 325 of the I.P.C. will be made out.

On behalf of the State and the informant, it is submitted that the petitioners are named in the F.I.R. The victims have been brutally assaulted by accused persons with *Farsa, Khanti, Bhala, Iron rod and Axe*. Injuries caused by the victims are grievous.

Considering the aforesaid facts and circumstances of the case, I am not inclined to grant anticipatory bail to the petitioners in connection with Town P.S. Case No. 221/2020,



pending in the court of learned C.J.M. Darbhanga.

If the petitioners surrender in the learned court below and pray for regular bail, the same shall be considered by the learned court below on its own merit without being prejudiced by this order of the Court.

(Sudhir Singh, J)

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