

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35799 of 2020

Arising Out of PS. Case No.-94 Year-2020 Thana- PARASBIGHA District- Jehanabad

1. Pappu Kumar Son of Lal Das Yadav
2. Tuntun Kumar Son of Lal Babu Yadav
3. Sidheshwar Yadav Son of Late Ramdev Yadav
4. Rajeev Yadav Son of Sudarshan Yadav
5. Sakal Yadav Son of Munshi Yadav
6. Mithlesh Yadav Son of Suryadev Yadav
7. Bakil Yadav Son of Sakal Yadav
8. Ganauri Yadav Son of Late Ramlakhan Yadav

All residents of Village-Karni Bigha, P.S.-Parasbigha, District-Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar, Adv.
For the Informant	:	Mr. Hari Kishore Thakur, Adv.
For the State	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 22-06-2021 A Prayer for correction is made that instead of village Karni Bigha, Bhani Bigha has been typed in the bail petition. Let the same be corrected.

Heard learned counsel for the petitioners, learned A.P.P. and learned counsel for the informant through Video Conferencing.

Petitioners apprehend their arrest in Parasbigha P.S. Case No.94 of 2020 registered under Sections 147, 149, 341,

323, 307, 325 and 504 of the Indian Penal Code.

The informant named as many as 20 persons and alleged that all the accused persons assaulted the informant. When his cousin Dharmendra Kumar, Krishna Yadav, Jai Narain Yadav and Bijendra Yadav came to save the informant, Ram Kishore Yadav, Laldas Yadav and Dhiraj Yadav assaulted them. When Ranjit Kumar (son of the informant) came to save, the accused persons assaulted him.

Learned counsel for the petitioners submits that there is a counter version being Parasbiga P.S. Case No.95 of 2020. The petitioners are, of course, named in the F.I.R. but no specific allegation of assault is made against them. Only Ram Kishore Yadav, Laldas Yadav and Dhiraj Yadav are said to have assaulted Dharmendra Kumar, Krishna Yadav, Jai Narain Yadav and Bijendra Yadav. Ram Kishore Yadav, Laldas Yadav and Dhiraj Yadav are not the petitioners. It is further submitted that Tuntun Kumar got grievous injury on his head and he was under treatment of doctor for many months. Therefore, the petitioners deserve anticipatory bail.

Learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that Ram Kripal Yadav (informant) also got many injuries and all the

accused persons are alleged to have assaulted the informant but it appears that the petitioners are not the assailants of Dharmendra Kumar, Krishna Yadav, Jai Narain Yadav and Bijendra Yadav. Ram Kripal Yadav (informant) only got two injuries; one swelling on left forearm and another swelling on right Big toe, although 20 persons are alleged to have assaulted him.

Having considered the facts aforesaid, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Jehanabad in connection with Parasbigha P.S. Case No.94 of 2020, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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