

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3689 of 2021

Arising Out of PS. Case No.-196 Year-2018 Thana- SHAMBHUGANJ District- Banka

1. Chhabilal Yadav S/O Late Upendra Yadav
 2. Sunny Yadav S/O Chhabilal Yadav
 3. Mantu Yadav S/O Shankar Prasad Yadav
 4. Ranjeet Yadav @ Rajiv Yadav S/O Raj Kumar Yadav
 5. Bablu Yadav @ Dharmendra Kumar S/O Rajendra Yadav
 6. Sujeet Yadav S/O Nandan Yadav
 7. Mukesh Yadav S/O Ambika Prasad Yadav
- All are R/O Village Baggha P.S. Shambhuganj, District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr.Nityanand Tiwari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 12-07-2021 Learned counsel for the petitioners submits that petitioner No.5(Bablu Yadav @ Dharmendra Kumar) has already been arrested and, therefore, he seeks permission to withdraw the anticipatory bail petition filed on behalf of petitioner No.5(Bablu Yadav @ Dharmendra Kumar).

Prayer is allowed. The anticipatory bail petition filed on behalf of petitioner No.5(Bablu Yadav @ Dharmendra Kumar) is dismissed as withdrawn.

Heard both sides through video conferencing.

The petitioners apprehend their arrest in Shambhuganj



P.S. Case No.196 of 2018 registered under Sections 341, 323, 307, 504, 379 and 34 of the Indian Penal Code.

The informant alleged that while he was going from Tarapur to Banka and when he reached near Bhumihara school, all the accused persons and ten other unknown persons surrounded him and assaulted the informant by means of lathi and other weapons. The accused persons snatched Rs.10,000/- from his possession.

The learned counsel for the petitioners submits that there is a counter version being Shambhuganj P.S. Case No.195 of 2018. From perusal of the injury report(Annexure-3 series), it would appear that the informant got as many as two injuries, one is swelling in scalp and another is also swelling. Third injury is body ache. Both the injuries are opined to be simple in nature. It is submitted that ten persons are alleged to have indiscriminately assaulted the informant with lathi but only two injuries that too swelling and simple in nature are found on the person of the informant. It is submitted that case of the petitioners was early point of time.

Taking into consideration the facts aforesaid and the fact that there is case and counter case and ten persons are alleged to have assaulted the informant but only two swelling



injuries are found on the informant, let the petitioner No.1(Chhabilal Yadav), Petitioner No.2(Sunny Yadav), petitioner No.3(Mantu Yadav), petitioner No.4(Ranjeet Yadav @ Rajiv Yadav), petitioner No.6(Sujeet Yadav) and petitioner No.7(Mukesh Yadav) in the event of their arrest or surrender within a period of four weeks be released on bail 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 C.J.M., Banka in connection with Shambhuganj P.S. Case No.196 of 2018, 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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