

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1445 of 2021

Arising Out of PS. Case No.-238 Year-2019 Thana- LAUKAHI District- Madhubani

1. RAJESH YADAV @ RAJESH KUMAR @ RAJESH KUMAR YADAV SON OF RAJDHAR YADAV @ RAJ DHAR YADAV RESIDENT OF VILLAGE- NARAHIYA GOATH, PS- LAUKAHI, DISTT.-MADHUBANI.
2. RADHESHYAM YADAV SON OF RAJDHAR YADAV @ RAJ DHAR YADAV RESIDENT OF VILLAGE- NARAHIYA GOATH, PS- LAUKAHI, DISTT.-MADHUBANI.
3. SUSHIL YADAV @ SUSHIL KUMAR YADAV SON OF LATE JAMUN YADAV RESIDENT OF VILLAGE- NARAHIYA GOATH, PS- LAUKAHI, DISTT.-MADHUBANI.
4. DILIP KUMAR @ DILIP KUMAR YADAV SON OF SUSHIL YADAV RESIDENT OF VILLAGE- NARAHIYA GOATH, PS- LAUKAHI, DISTT.-MADHUBANI.
5. LALU YADAV @ LALU BHARTI SON OF SUSHIL YADAV RESIDENT OF VILLAGE- NARAHIYA GOATH, PS- LAUKAHI, DISTT.-MADHUBANI.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumari Shubham, Adv
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 01-11-2021

Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as learned APP for the State.

At the outset, learned counsel for the petitioners has submitted that petitioner No. 3 Sushil Yadav @ Sushil Kumar Yadav



@ Sushil Kumar has been arrested during the course of investigation. As such, he seeks permission to withdraw this anticipatory bail application on behalf of the petitioner No. 3.

As prayed, the anticipatory bail application on behalf of petitioner No. 3 is dismissed as withdrawn.

The petitioners apprehend their arrest in connection with Laukahi P.S. Case No. 238 of 2019 registered for the offences punishable under Section 143, 341, 342, 323, 307, 427, 448, 504, 506 of the I.P.C. and 27 of the Arms Act.

Shambhu Yadav is the informant of the case. As per allegation when he was sleeping in his house, 11 accused persons named in the FIR, came their along with three unknown miscreants equipped with arms and ammunities. Thereafter, co-accused Sushil Yadav ordered to tie the informant, whereupon the accused persons assaulted him and at the point of gun they tied his limbs and mouth. On order of co-accused, Kameshwar Yadav, co-accused Shailendra Yadav assaulted the informant on his head with iron *khanti*. The accused persons also assaulted the father of the informant. It is further alleged that on order of Harekrishna Yadav , Prabhat Yadav opened fire on the father of the informant.

Learned counsel for the petitioners has submitted that there is case and counter case. From petitioners' side Laukahi P.S. Case No. 240 of 2019 has been filed.

He has further submitted that the allegation against



petitioner Nos. 1, 2, 4 and 5 are general and omnibus. The specific allegation of exhorting accused person to tie the informant is on Sushil Yadav who has been arrested and the allegation of specific assault is on Shailendra Yadav and Prabhat Yadav and allegation of exhortation is on Kamlesh Yadav and Harekrishna Yadav who are not the petitioners in this case.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the facts that the allegation against these petitioners is are general and omnibus in nature and the specific allegation of assault are against other accused persons, let the petitioner Nos. 1, 2, 4 and 5, in the event of their arrest or surrender within four weeks from today, 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 learned S.D.J.M, Jhanjhanpur (Madhubani) in connection with Laukahi P.S. Case No. 238 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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