

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.361 of 2021

Arising Out of PS. Case No.-26 Year-2019 Thana- GUTHANI District- Siwan

1. Baliram Yadav, age about 45 years, S/O Late Ramdhari Yadav, Resident Of Village Tarwa Tiwari Tola, P.S. Guthni, District Siwan.
2. Ramdeo Yadav, Male, aged about 55 years, S/O Late Yamuna Yadav, Resident Of Village Tarwa Tiwari Tola, P.S. Guthni, District Siwan.
3. Dipak Yadav, aged about 26 years, S/O Hiralal Yadav, Resident Of Village Tarwa Tiwari Tola, P.S. Guthni, District Siwan.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Saroj Kumar, Advocate.
For the Opposite Party : Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioners and learned A.P.P. for the State through Virtual mode.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 147, 149, 341, 323, 307, 448, 379, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that on 23.02.2019 at about 7.00 A.M. Deepak Yadav (petitioner no. 3) holding country made pistol and one Iron rod, Yogendra Yadav holding



Sabal and Ramdev Yadav (petitioner no. 2) attacked upon the house of the informant. Deepak put country made pistol upon him and assaulted by means of rod on the head of his brother Surendra Yadav. Surendra Yadav became unconscious and fell down. When Kamlesh Yadav came in rescue, Deepak gave rod blow to him also. Yogendra Yadav also assaulted his mother Munni Devi by means of Sabal and he also snatched gold chain weighing 15 gm from the neck of his mother. It is further alleged that Baliram Yadav (petitioner no. 1) caught hold Nitesh Kumar Yadav and other accused persons entered into his house and took away Rs. 35,000/- and total jewellery of his Bhabhi. When the villagers gathered, then the accused persons fled away.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with clean hands. Nature of injury is said to be simple.



On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of the learned Sessions Judge, Siwan, in connection with Guthani P.S. Case No. 26 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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