

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6377 of 2021

Arising Out of PS. Case No.-447 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. MUNNA YADAV Son of Sheo Yadav Resident of Village-Kuurbhuka, P.S.-Gopalganj, District-Gopalganj.
 2. Bablu Yadav @ Bablu Kumar Yadav Son of Naresh Yadav Resident of Village-Kuurbhuka, P.S.-Gopalganj, District-Gopalganj.
 3. Nanhaku Yadav Son of Naresh Yadav Resident of Village-Kuurbhuka, P.S.-Gopalganj, District-Gopalganj.
 4. Dharmendra Yadav Son of Naresh Yadav Resident of Village-Kuurbhuka, P.S.-Gopalganj, District-Gopalganj.
 5. Birbal Yadav Son of Munna Yadav Resident of Village-Kuurbhuka, P.S.-Gopalganj, District-Gopalganj.
 6. Ritesh Yadav @ Ritesh Kumar Yadav Son of Sheo Shankar Yadav Resident of Village-Kuurbhuka, P.S.-Gopalganj, District-Gopalganj.
 7. Alok Yadav @ Alok Kumar Yadav S/o Sheo Shankar Yadav Resident of Village-Kuurbhuka, P.S.-Gopalganj, District-Gopalganj.
 8. Dhupesh Yadav @ Bhutava Son of Sheo Shankar Yadav Resident of Village-Kuurbhuka, P.S.-Gopalganj, District-Gopalganj.
 9. Sheo Shankar Yadav Son of Late Bhucheng Yadav Resident of Village-Kuurbhuka, P.S.-Gopalganj, District-Gopalganj.
 10. Ramashish Yadav Son of Late Bhucheng Yadav Resident of Village-Kuurbhuka, P.S.-Gopalganj, District-Gopalganj.
 11. Sheo Yadav Son of Late Mishri Yadav Resident of Village-Kukurbhuka, P.S.-Gopalganj, District-Gopalganj.
 12. Munna Yadav Son of Late Bhuteli Yadav Resident of Village-Kukurbhuka, P.S.-Gopalganj, District-Gopalganj.
 13. Shakaldeo Yadav Son of Late Janki Yadav Resident of Village-Kukurbhuka, P.S.-Gopalganj, District-Gopalganj.
 14. Mukhdeo Yadav Son of Late Janki Yadav Resident of Village-Kukurbhuka, P.S.-Gopalganj, District-Gopalganj.
 15. Basant Yadav Son of Late Janki Yadav Resident of Village-Kukurbhuka, P.S.-Gopalganj, District-Gopalganj.
 16. Mithileshia Devi Wife of Sheo Shankar Yadav Resident of Village-Kukurbhuka, P.S.-Gopalganj, District-Gopalganj.
 17. Ruby Devi Wife of Ritesh Yadav Resident of Village-Kukurbhuka, P.S.-Gopalganj, District-Gopalganj.
 18. Sharda Devi Wife of Naresh Yadav Resident of Village-Kukurbhuka, P.S.-Gopalganj, District-Gopalganj.

... .. Petitioner/s

Versus



THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-08-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.12, as the petitioner No.12 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.12 is dismissed as withdrawn.

The petitioner Nos.1 to 11 and 13 to 18 are apprehending their arrest in connection with Gopalganj (Town) P.S. case No.447 of 2020 registered under Sections 341, 323, 307, 504, 379 and 34 of the Indian Penal Code.

Prosecution case, in short, is that the accused persons including the petitioners armed with iron rod, knife, bhala and farsa came to the house of the informant and petitioner Nos.2



and 3 gave farsa blow on the father of the informant causing head injury and petitioner No.1 also assaulted him on his head. Petitioner Nos.6 and 8 gave farsa blow on Mithlesh Yadav causing head injury. Petitioner Nos.7, 9 and 10 assaulted the uncle of the informant by lathi and rod, due to which he sustained injury. Petitioner Nos.12 and 15 assaulted Govind Yadav by means of rod, due to which he sustained injuries. Co-accused Munna Yadav also assaulted the father of the informant on head. Petitioner Nos.13 and 14 assaulted the father and uncle of the informant, due to which they sustained injuries. The injured were taken to the Hospital for treatment.

It has been submitted on behalf of the petitioners Nos.1 to 11 and 13 to 18 that the petitioner Nos.4 to 10 and 13 to 18 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners Nos.1 to 11 and 13 to 18. The petitioners Nos.1 to 11 and 13 to 18 have falsely been implicated in the present case. So far the petitioner Nos.7, 9, 10, 13, 14, 16, 17 and 18 are concerned, general and omnibus allegation has been made. No specific overt act is alleged against them nor any specific injury is attributed against them. Petitioner Nos.16, 17 and 18 are ladies. So far the petitioner Nos.4, 5 and 11 are concerned, they are the members



of unlawful assembly. No allegation of assault is alleged against them. So far the petitioner Nos.1, 2, 3, 6, 8 and 15 are concerned, specific allegation of assault is there causing grievous injuries. It has further been submitted that the injuries caused by petitioner Nos.1, 2, 3, 6, 8 and 15 are not on vital part. At best, the allegation constitutes an offence under Section 325 of I.P.C.

On behalf of the State, it is submitted that the petitioner Nos.1 to 11 and 13 to 18 are named in the complaint case/F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner Nos.1, 2, 3, 6, 8 and 15. The prayer for anticipatory bail of petitioner Nos.1, 2, 3, 6, 8 and 15 is rejected.

If the petitioner Nos.1, 2, 3, 6, 8 and 15 surrender before the court below and pray for regular bail, same shall be considered on its own merit without being prejudiced by this order.

Let the petitioner Nos.4, 5, 7, 9, 10, 11, 13, 14, 16, 17 and 18, 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 learned C.J.M., Gopalganj in connection with Gopalganj (Town) P.S. case No.447/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the Nos.4, 5, 7, 9, 10, 11, 13, 14, 16, 17 and 18 will furnish bail bonds of Rs.10,000/- (Rupees ten thousand) 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)

Narendra/-

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