

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1444 of 2021

Arising Out of PS. Case No.-338 Year-2020 Thana- BAHADURPUR District- Darbhanga

1. ARVIND YADAV @ JARVIND YADAV S/o Prasad Yadav Resident of Gharghatta, P.S. - Bahadurpur, District - Darbhanga
2. Lalu Yadav S/o Ram Bihari Yadav Resident of Gharghatta, P.S. - Bahadurpur, District - Darbhanga
3. Lal Bachan Yadav S/o Nand Bihari Yadav Resident of Gharghatta, P.S. - Bahadurpur, District - Darbhanga
4. Jai Prakash Yadav S/o Ram Bihari Yadav Resident of Gharghatta, P.S. - Bahadurpur, District - Darbhanga

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das, Adv.
For the Opposite Party/s : Mr. Shailendra Kumar, 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. 1 Arvind Yadav @ Jarvind Yadav 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. 1.



As prayed, the anticipatory bail application on behalf of petitioner No. 1 is dismissed as withdrawn.

The petitioners apprehend their arrest in connection with Bahadurpur (Fekla O.P.) P.S. Case No. 338 of 2020 registered for the offences punishable under Section 147, 148, 149, 341, 324, 307, 427, 504, 506 of the Indian Penal Code and 27 of the Arms Act & $\frac{3}{4}$ Explosive Act.

Learned counsel for the petitioners has submitted that the allegation in the FIR is general and omnibus against the rest of the petitioners. He has further submitted there is also a counter case from the informant side being Bahadur P.S. Case No. 337 of 2020.

As per FIR, altogether 14 FIR named accused attacked the informant. The informant's father Palat Yadav came to rescue him to whom Indra Kumar Yadav assaulted with *farsa* on his head. Manoj Yadav also assaulted with *farsa* on his head. Accused Ghanshyam Yadav assaulted the informant by *farsa* on his right hand. Learned counsel for the petitioners has also submitted that the injuries sustained by Palat Yadav are simple in nature and caused by hard and blunt substance. He has submitted that the specific allegation of those injury are against co-accused Indra Kumar Yadav, Manoj Yadav and Ghanshyam



Yadav, who are not the petitioners.

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

Considering the fact that the allegation against the petitioners are not specific rather general and omnibus in nature and also considering the fact that there is case and counter case, let the petitioner Nos. 2, 3 and 4 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 Magistrate 1st Class, Darbhanga in connection with Bahadurpur P.S. (Fekla O.P.) P.S. Case No. 338 of 2020, 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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