

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1872 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- KATORIYA District- Banka

BALESHWAR YADAV, aged about 39 years, M, son of Ganesh Yadav,
Resident of Village- Surangi, P.S.- Katoriya, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjan Kumar Jha, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-07-2021 Learned counsel for the petitioner 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 petitioner and learned
A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 323, 326,
447, 307 and 302 of the I.P.C.

The prosecution story, in brief, is that on 04.06.2020
at about 9.30 A.M., on the land ridge of the informant which is
situated in front of his house, forcibly Basant Yadav fixing
‘Tatia’ and when the informant raised objection to fix ‘Tatia’ on
his land, in the meantime, Kailash Yadav and his five sons,
namely, Dilip Yadav, Guddu Yadav, Niraj Yadav, Rohit Yadav



and Omkar Yadav came and started fixing 'Tatia' but the informant tried to stop them from behind 11-12 persons namely, Ranjit Kumar, Ashok Yadav, Baleshwar Yadav (petitioner), Bhikhari Yadav, Rajendra Yadav, Balmukund Yadav, Binod Yadav, Arbind Yadav, Sandeep Yadav, Pritam Yadav, Hulas Yadav came and started assaulting them. It is further alleged that Ashok Yadav assaulted by Iron rod on the head of his brother Laxman Yadav causing injuries on his head, Niraj Yadav having Sword, Sudin Yadav having Farsa all have took indiscriminate assault to his brother and other accused persons having Spade, Danda, Tangi and Sword, assaulted the informant's brother causing brutally injured his head. It is further alleged that during course of treatment of his brother at RIMS Ranchi, at about 10.40 A.M. his brother Laxamn Yadav died at RIMS, Ranchi.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner. No overt act is alleged against the petitioner. Specific allegation of assault is alleged against co-accused Ashok Yadav, Niraj Yadav and Sudin Yadav.



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

Considering the aforesaid facts and circumstances of the case, let the petitioner 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 his personal bond to the satisfaction of the learned C.J.M. Banka, in connection with Katoriya P.S. Case No. 114/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only 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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