

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7512 of 2021

Arising Out of PS. Case No.-282 Year-2020 Thana- CHOUTARWA District- West
Champaran

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1. Lalchand Yadav, (Male), aged about 60 years, S/O Late Nageshwar Yadav, R/O Village-Sisawa Basantpur Bazar, P.S-Chautarawa, District-West Champaran.
 2. Bhola Yadav @ Bhoa Yadav, (Male), aged about 35 years, S/O Lalchand Yadav, R/O Village-Sisawa Basantpur Bazar, P.S-Chautarawa, District-West Champaran.
 3. Indal Yadav (Male), aged about 60 years, S/O Late Bhola Yadav, R/O Village-Sisawa Basantpur Bazar, P.S-Chautarawa, District-West Champaran.
 4. Praddyuman Yadav @ Pradhuman Yadav (Male), aged about 38 years, S/O Indal Yadav, R/O Village-Sisawa Basantpur Bazar, P.S-Chautarawa, District-West Champaran.
 5. Kamlesh Yadav (Male), aged about 45 years, S/O Lalchand Yadav, R/O Village-Sisawa Basantpur Bazar, P.S-Chautarawa, District-West Champaran.
 6. Arun Yadav (Male), aged about 20 years, S/O Praddyuman Yadav, R/O Village-Sisawa Basantpur Bazar, P.S-Chautarawa, District-West Champaran.
 7. Mukhiya Yadav (Male), aged about 21 years, S/O Praddyuman Yadav, R/O Village-Sisawa Basantpur Bazar, P.S-Chautarawa, District-West Champaran.
 8. Hankari Devi, (Female), aged about 34 years, W/O Praddyuman Yadav R/O Village-Sisawa Basantpur Bazar, P.S-Chautarawa, District-West Champaran.
 9. Amrita Devi (Female), aged about 30 years, W/O Bhola Yadav R/O Village-Sisawa Basantpur Bazar, P.S-Chautarawa, District-West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Mitali, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 13-04-2021 Learned counsel for the petitioners is directed to

remove the defects, as pointed out by the office, within a period

of four weeks.

Heard learned counsel for the petitioners and learned



A.P.P. for the State through Virtual mode.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on behalf of the petitioner nos. 2, 3 and 4, namely, Bhola Yadav @ Bhoa Yadav, Indal Yadav and Praddyuman Yadav @ Pradhuman Yadav respectively, as they have been taken into judicial custody in connection with Chautarawa P.S. Case No. 282 of 2020, pending in the court of learned A.C.J.M. Ist Bagaha, West Champaran.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner nos. 2, 3 and 4, namely, Bhola Yadav @ Bhoa Yadav, Indal Yadav and Praddyuman Yadav @ Pradhuman Yadav, respectively, is dismissed as withdrawn.

Now, the petitioner nos. 1, 5, 6, 7, 8 and 9 are apprehending their arrest in a case for the offence registered under Sections 341, 323, 324, 307, 354, 379, 385 and 504/34 of the I.P.C.

The prosecution story, in brief, is that on 03.07.2020, the informant was filling soil in her house. In the meantime, petitioners and others variously armed with came there, put obstruction in her work and also started abusing and when she



made protest then Arun Yadav (petitioner no. 6) gave Lathi blow on her head due to which she sustained head injury and blood started oozing. Co-accused Indal Yadav caught hold of her hand and started pulling her and at the same time, Co-accused Bhola Yadav and Pradhuman Yadav torn her clothes due to which, she became undressed. Her father came to save her but co-accused Bhola Yadav and Pradhuman Yadav assaulted him by means of Garasa and Lathi on his head with an intention to kill him due to which he sustained grievous head injury. Kamlesh Yadav (petitioner no. 5) assaulted to her brother Sunil Yadav by Lathi on his head and caused him head injury and Mukhiya Yadav (petitioner no. 7) took out on his head and caused him head injury and Mukhiya Yadav (petitioner no. 7) took out Rs. 10,000/- from the pocket of her brother. Hankari Devi and Amrita Devi (petitioner nos. 8 and 9) snatched her Payal.

It has been submitted by learned counsel for the petitioner nos. 1, 5 6, 7, 8 and 9 that they have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against them. They have falsely been implicated in the present case. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. The injury on the accused side has not been



explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the learned counsel for the State, it has been submitted that the petitioner nos. 1, 5, 6, 7, 8 and 9 are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 1, 5, 6, 7, 8 and 9 above named (except petitioner nos. 2, 3 and 4 namely, Bhola Yadav @Bhoa Yadav, Indal Yadav and Praddyuman Yadav @ Pradhuman Yadav, respectively), in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) only each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Ist, Bagaha, West Champaran, in connection with Chautarawa P.S. Case No. 282 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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