

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12165 of 2022

Arising Out of PS. Case No.-93 Year-2021 Thana- CHAKAI District- Jamui

1. Prayag Yadav, aged about 32 years, Gender-Male, Son of Birbal Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
2. Baleshwar Yadav, aged about 30 years, Gender-Male, Son of Harkhu Yadav, Resident of Village- Jamuwa, P.S.- Chakia, District- Jamui.
3. Fuldeo Yadav, aged about 35 years, Gender-Male, Son of Jageshwar Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
4. Upendra Yadav, aged about 27 years, Gender-Male, Son of Arjun Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
5. Mukhiya Yadav, aged about 27 years, Gender-Male, Son of Shesaman Yadav @ Guddu Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
6. Prem Yadav, aged about 25 years, Gender-Male, Son of Rajkumar Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
7. Birbal Yadav, aged about 58 years, Gender-Male, Son of Late Janki Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
8. Bailu Yadav, aged about 25 years, Gender-Male, Son of Gopal Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
9. Mohan Yadav, aged about 35 years, Gender-Male, Son of Shesaman Yadav @ Guddu Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
10. Pintu Yadav, aged about 22 years, Gender-Male, Son of Nandu Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
11. Mahadeo Yadav, aged about 29 years, Gender-Male, Son of Birbal Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
12. Shankar Yadav, aged about 30 years, Gender-Male, Son of Shesaman Yadav @ Guddu Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
13. Raj Kumar Yadav, aged about 55 years, Gender-Male, Son of Janki Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
14. Kishori Yadav, aged about 30 years, Gender-Male, Son of Arjun Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
15. Kirtan Yadav, aged about 52 years, Gender-Male, Son of Janki Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
16. Pokhan Yadav, aged about 50 years, Gender-Male, Son of Teju Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
17. Munni Devi, aged about 35 years, Gender-Female, Wife of Karu Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
18. Arjun Yadav, aged about 55 years, Gender-Male, Son of Late Hulas Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
19. Manoj Yadav, aged about 28 years, Gender-Male, Son of Nandu Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District- Jamui.
20. Ram Prasad Yadav @ Prasadi Yadav, aged about 40 years, Gender-Male,



Son of Birbal Yadav, Resident of Village- Jamuwa, P.S.- Chakai, District-
Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party : Mr. Ram Anurag Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioners and learned
counsel for the State.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioners are apprehending their arrest in
connection with Chakai P.S. Case No. 93/2021 for the offence
registered under Sections 147, 148, 149, 341, 323, 332, 307,
379, 504 and 506 of the I.P.C.

The prosecution story, in brief, is that on 17.05.2021
at about 3.00 P.M., the informant was accounting the
expenditure regarding *Surjahu Puja*, then suddenly, Karu Yadav
said that why he is taking detail regarding expenditure and
started abusing him when he protested, then Karu Yadav
alongwith all F.I.R. named accused persons reached at his house
and thereafter Lalmuni Yadav and Prayag Yadav assaulted Malo



Devi by means of an *Iron rod*. Karu Yadav and Mohan Yadav assaulted Rakesh and Sikandar Yadav. Upendra and Kishori Yadav assaulted Bhairo Yadav. Shankar Yadav, Baleshwar Yadav, Prem Yadav assaulted the informant and Rina Devi. All accused persons assaulted the informant and his family members and took away silver chain and *Bala* and they also threatened the informant not to lodge any case for this occurrence.

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. 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. Hence, no offence under Section 307 of the I.P.C. is made out.

On behalf of the State, it is 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-5th, Jamui, in connection with Chakai P.S. Case No. 93/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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