

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34008 of 2021

Arising Out of PS. Case No.-554 Year-2020 Thana- AMARPUR District- Banka

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RAGHUBIR YADAV S/O RAJENDRA YADAV RESIDENT OF VILLAGE
SHADPUR PS AMARPUR, DISTRICT-BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 35172 of 2021

Arising Out of PS. Case No.-554 Year-2020 Thana- AMARPUR District- Banka

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1. JAY NANDAN YADAV SON OF RAJENDRA YADAV RESIDENT OF VILLAGE- SHADPUR, POLICE STATION- AMARPUR, DISTRICT-BANKA
 2. ROHIT YADAV SON OF MANOJ YADAV RESIDENT OF VILLAGE-SHADPUR, POLICE STATION- AMARPUR, DISTRICT- BANKA
 3. PRITAM YADAV SON OF MANOJ YADAV RESIDENT OF VILLAGE-SHADPUR, POLICE STATION- AMARPUR, DISTRICT- BANKA
 4. REJENDRA YADAV SON OF LATE BANDE YADAV RESIDENT OF VILLAGE- SHADPUR, POLICE STATION- AMARPUR, DISTRICT-BANKA
 5. MANOJ YADAV SON OF LATE BANDE YADAV RESIDENT OF VILLAGE- SHADPUR, POLICE STATION- AMARPUR, DISTRICT-BANKA
 6. BHAJJO YADAV @ BHAJS YADAV SON OF LATE BANDE YADAV RESIDENT OF VILLAGE- SHADPUR, POLICE STATION- AMARPUR, DISTRICT- BANKA
 7. DEVENDRA YADAV SON OF LATE BANDE YADAV RESIDENT OF VILLAGE- SHADPUR, POLICE STATION- AMARPUR, DISTRICT-BANKA
 8. RANJAN KUMAR @ RANJAN YADAV SON OF BHAJJO YADAV @ BHAJS YADAV RESIDENT OF VILLAGE- SHADPUR, POLICE STATION- AMARPUR, DISTRICT- BANKA
 9. LALLU KUMAR SON OF DEVENDRA YADAV RESIDENT OF VILLAGE- SHADPUR, POLICE STATION- AMARPUR, DISTRICT-BANKA
 10. BIKASH YADAV SON OF LATE CHAMAK LAL YADAV RESIDENT OF VILLAGE- SHADPUR, POLICE STATION- AMARPUR, DISTRICT-BANKA

... .. Petitioner/s



Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 34008 of 2021)

For the Petitioner/s : Mr.Praveen Kumar, Advocate.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP.

(In CRIMINAL MISCELLANEOUS No. 35172 of 2021)

For the Petitioner/s : Mr.Praveen Kumar, Advocate.

For the Opposite Party/s : Mr. Umanath Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-01-2022 Both the cases have been taken up together and a composite order is being passed.

Heard Mr. Praveen Kumar, learned Advocate for the petitioners in both the cases and learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Amarpur P. S. Case No. 554 of 2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 379, 504, 506 and 308 of the Indian Penal Code.

The accusation against the petitioner Raghubir Yadav (Cr. Misc. No. 34008 of 2021) is of assaulting the informant with an iron rod on his head and of snatching a pair of ear rings and a silver chain from the wife of the informant. When the other persons came to the rescue of the informant, they were also assaulted by the other accused persons including the petitioners.



Raghubir Yadav, the petitioner in Cr. Misc. No. 34008 of 2021 and Ranjan Kumar, one of the petitioners in Cr. Misc. No. 35172 of 2021 are alleged to have fired from their weapons also, but it did not hit anybody.

The learned counsel for the petitioners has drawn the attention of this Court to the impugned order wherein the injuries of the victims have been described. All the injured persons namely Suman Yadav, Navin Yadav, Sudhanshu Kumar and Sujeet Yadav have sustained simple injuries, except for one injury on Sudhanshu Kumar, which is found to be grievous, which is on his wrist.

The learned counsel for the petitioners has submitted that there is some dispute with respect to a vacant land lying contiguous to the houses of the petitioners and the informant. The occurrence took place because of the aforesaid plot of land on which there is a competing claim of the parties. Apart from the petitioner in Cr. Misc. No. 34008 of 2021, the accusation against the other accused persons / petitioners is general and omnibus.

Regard being had to the afore-stated facts, the prayer for anticipatory bail of Raghubir Yadav (the petitioner in Cr. Misc. No. 34008 of 2021) is rejected.



If he surrenders before the Court below and seeks bail, his application shall be considered on its own merits, without being prejudiced by the present rejection order.

So far as petitioners of Cr. Misc. No. 35172 of 2021 are concerned, regard being had to the general nature of accusation against them and other attendant background facts, they are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Banka in connection with Amarpur P.S. Case No. 554 of 2020, subject to the condition as laid down under Section 438 (2) Cr. P.C.

The applications stand disposed of accordingly.

(Ashutosh Kumar, J)

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