

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55878 of 2021

Arising Out of PS. Case No.-1012 Year-2020 Thana- BANKA District- Banka

1. GAJADISH YADAV Son of Late Birendra Yadav Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
2. Rajesh Yadav Son of Saudagar Yadav Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
3. Police Marar Son of Late Hari Marar Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
4. Vishnu Yadav @ Vishnu Marar Son of Police Marar Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
5. Shanti Yadav Son of Late Sukti Yadav Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
6. Sunil Yadav Son of Chunnulal Marar Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
7. Kishan Marar Son of Late Hari Marar Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
8. Saudagar Marar Son of Late Mazadi Marar Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
9. Ranjit Marar Son of Nazadi Marar Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
10. Nandev Yadav Son of Mandi Marar Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
11. Shankar Yadav Son of Kailu Marar Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
12. Anil Yadav Son of Ranjit Yadav Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
13. Naresh Yadav @ Naresh Marar Son of Ugan Yadav Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
14. Basudev Yadav Son of Paddu Mahto Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
15. Subhash Yadav Son of Sukdev Yadav Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
16. Ramesh Yadav Son of Brij Mohan Yadav Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.
17. Phuchu Yadav Son of Futtar Yadav Resident of Village- Marar Kurawa, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s



Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar @Deepak Sahay, Advocate
For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned Counsel for the petitioners is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

Further, learned Counsel for the petitioners seeks
permission to withdraw the present application on behalf of
petitioner Nos.3 and 5, as the petitioner Nos.3 and 5 have been
taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner Nos.3 and
5 is dismissed as withdrawn.

The petitioner Nos.1, 2, 4 and 6 to 17 are
apprehending their arrest in a case registered under Sections
147, 148, 149, 323, 324, 307 of the Indian Penal Code and
Sections 3/4 of Explosive Substance Act and Section 27 of the
Arms Act.

Allegation is that co-accused Gajendra Yadav fired
upon the informant which passed by the chest of the informant



and co-accused Manoj Yadav hurled bomb upon the informant which exploded near him causing injury and co-accused Ramchandra Yadav assaulted the informant by means of khanti, due to which he sustained injury on his head. Other accused persons including the petitioner Nos.1, 2, 4 and 6 to 17 assaulted the informant by means of masket, khanti and danda.

It has been submitted on behalf of the petitioner Nos.1, 2, 4 and 6 to 17 that the petitioner Nos.1, 2, 4 and 6 to 17 gave got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.1, 2, 4 and 6 to 17. The petitioner Nos.1, 2, 4 and 6 to 17 have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner Nos.1, 2, 4 and 6 to 17. No specific overt act is alleged against the petitioner Nos.1, 2, 4 and 6 to 17. Specific allegation of assault is against the co-accused Gajendra Yadav, Manoj Yadav and Ramchandra Yadav.

On behalf of the State, it is submitted that the petitioner Nos.1, 2, 4 and 6 to 17 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner Nos.1, 2, 4 and 6 to 17, 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) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka in connection with Banka P.S. case No.1012/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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