

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67669 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- BAHERA District- Darbhanga

1. Uday Yadav @ Uday Narayan Yadav @ Udit Narayan Yadav Son Of Tanuk Lal Yadav Resident Of Village- Timuhani, P.S.- Bahera, District- Darbhanga.
2. Daya Shankar Yadav Son of Uday Yadav @ Uday Narayan Yadav Resident of Village- Timuhani, P.S.- Bahera, District- Darbhanga.
3. Pawan Yadav @ Pawan Kumar Yadav Son of Yogi Yadav Resident of Village- Timuhani, P.S.- Bahera, District- Darbhanga.
4. Sharban Yadav @ Sharvan Son of Kapil Yadav Resident of Village- Timuhani, P.S.- Bahera, District- Darbhanga.
5. Gungun Yadav Son of Mahendra Yadav Resident of Village- Timuhani, P.S.- Bahera, District- Darbhanga.
6. Vidhy Nand Yadav Son of Dilip Yadav Resident of Village- Timuhani, P.S.- Bahera, District- Darbhanga.
7. Lalu Kumar Yadav @ Lalbabu Yadav Son of Gungun Yadav Resident of Village- Timuhani, P.S.- Bahera, District- Darbhanga.
8. Dilip Yadav Son of Mahendra Yadav Resident of Village- Timuhani, P.S.- Bahera, District- Darbhanga.
9. Kapil Yadav Son of Dukhan Yadav Resident of Village- Timuhani, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-08-2022 Petition for pre-arrest bail of petitioner no.1 has already been dismissed as withdrawn vide order dated 15.6.2022.

Heard learned counsel for the petitioners no. 2 to 9 and the State.



Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 307/379 and other allied sections of the Indian Penal Code and sections 3/4 of the Daain Prohibition Act.

Prosecution's case in short is that petitioner no.1 is alleged to have caught hold the hair and pulled the informant on the ground, thereafter petitioner no.2 tried to smear obnoxious substance on her mouth, whereas petitioner no.3 is alleged to have struck her head with farsa.

Learned counsel appearing for the petitioners submits that there is general and omnibus allegation against all the accused persons and no specific overt act has been alleged against the petitioners. Petitioners are next door neighbour of the informant. Injury caused by petitioner no.3 has been found to be simple in nature. Petitioners have got no criminal antecedent.

Learned counsel appearing for the State opposes the prayer for bail. He submits that as per the FIR, petitioner no.2 has tried to smear obnoxious substance on the mouth of the victim, whereas petitioner no.3 is alleged to have struck her head with farsa.

Considering the specific allegation against the



petitioner no. 2, his prayer for bail is refused with direction to surrender and seek regular bail which would be considered and disposed of on its own merit without prejudice.

Considering the facts of the case, in the event of arrest/surrender within six weeks from today, let the petitioners no. 3 to 9, named above, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Benipur, Darbhanga in Bahera Police Station Case No. 53 of 2020, subject to the conditions laid down under sections 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

Shashi

U		T	
---	--	---	--

