

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6925 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- HARSIDHI District- East Champaran

1. Raj Kumar @ Raj Kumar Yadav Son Of Jamdar Yadav R/O Vill.- Ramnagar, P.O.- Gay Ghat, P.S.- Harsidhi, Distt.- East Champaran
2. Rambharosh Yadav Son Of Late Kishun Yadav R/O Vill.- Ujjain Lohiyar, P.O.- Gay Ghat, P.S.- Harsidhi, Distt.- East Champaran
3. Umesh Yadav Son Of Keshwar Yadav R/O Vill.- Ujjain Lohiyar, P.O.- Gay Ghat, P.S.- Harsidhi, Distt.- East Champaran
4. Daya Shankar Yadav Son Of Arjun Yadav R/O Vill.- Ujjain Lohiyar, P.O.- Gay Ghat, P.S.- Harsidhi, Distt.- East Champaran
5. Deepak Yadav @ Nand Kishore Yadav Son Of Jamdar Yadav R/O Vill.- Ramnagar, P.O.- Gay Ghat, P.S.- Harsidhi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 21-07-2023 At the outset, learned counsel for the petitioners submits that petitioner no. 4 namely Daya Shankar Yadav has been arrested and as such, he seeks permission to withdraw this petition, so far as petitioner no. 4 is concerned.

2. Accordingly, in respect of petitioner no.4, this petition is dismissed as withdrawn.

3. The petitioners i.e. petitioners no. 1, 2, 3 and 5 apprehend their arrest in a case registered for the offence under Sections 147, 148, 149, 341, 323, 354(A), 302, 379 and 504 of



the Indian Penal Code.

4. As per the prosecution case, on the alleged date and time of occurrence, all the F.I.R. named accused persons including these petitioners and 10-12 unknown persons, holding weapons in their hands, were constructing house on the land of the informant and when the father-in-law of informant raised objection, on the order of co-accused Naresh Yadav and Sunil Singh, co-accused Naresh Yadav gave khanti blow causing cut injury to him and thereafter, all the accused persons assaulted with lathi, danda etc. It is further alleged that when the informant came to rescue her father-in-law, co-accused Sunil Singh gave iron rod blow on her head.

5. It is submitted on behalf of petitioners that specific allegation of assault is against co-accused Naresh Yadav and Sunil Singh. So far as these petitioners are concerned, the allegation of assault is general and omnibus. No specific overt act has been alleged against these petitioners. There is case and counter case. Some of the similarly situated co-accused persons have been granted anticipatory bail by a coordinate Bench, vide order dated 20.04.2023 passed in Cr.Misc. No. 9730 of 2023. Petitioners claim clean antecedent.

6. Learned A.P.P. for the State has opposed the bail



petition.

7. Considering the general and omnibus nature of allegation and clean antecedent of petitioners, let the petitioners no. 1, 2, 3 and 5, as named above, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with Harsidhi P.S. Case No. 387 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

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