

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51214 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- KUMAR KHAND District- Madhepura

1. Prakash Yadav @ Jay Prakash Yadav, S/o Rajo Yadav
2. Ram Prawesh @ Ram Prawesh Yadav @ Rampravesh Kumar, S/o Yogi Yadav
3. Sanjay Yadav ,S/o Rajo Yadav
4. Manish Yadav @ Manish Kumar, S/o Baiju Yadav
5. Subhash Yadav, S/o Late Domi Yadav @ Anmol Yadav
6. Parmanand Yadav, S/o Late Vipat Yadav
All Resident of Village- Dhuriya, P.S.- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-01-2023 Mr. Uday Chand Prasad, learned counsel for the petitioners submit that he may be permitted to withdraw the application so far as petitioner no.1, Prakash Yadav @ Jay Prakash Yadav is concerned.

Prayer allowed. The petition so far as petitioner no.1 is concerned is dismissed as withdrawn.

Heard learned counsel for the petitioner nos.2 to 6 and learned APP for the State.

The petitioners apprehend their arrest in connection with Kumarkhand P.S. Case No.370 of 2021 instituted under Sections 147,148,149,341,323,325,307,326 of the Indian Penal



Code and 27 of the Arms Act.

As per the prosecution story, the allegation is that around 100-150 unknown persons armed variously, attacked the informant's side and in the process, the informant family members were assaulted which included Meena Devi and Savitri Devi. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that omnibus allegation have been made against all the 100-150 people and there is nothing specific against any of the present petitioners. It is his further submission that irrespective of the outcome of the present petition, in view of the fact that the informant ladies have suffered injuries which the doctors are found to be simple in nature, they on their own would like to contribute towards the medical assistance of Rs. 10,000/- each (totalling Rs.20,000/-) to both Meena Devi and Savitri Devi through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned court to be handed over to the informant after checking the credentials.

Learned APP on the other hand concedes that although there is allegation of assault, the same are omnibus in nature.



Taking into account the aforesaid facts that omnibus allegation is against 100-150 people, nothing specific against petitioners, this Court is inclined to grant the privilege of anticipatory bail to petitioner nos.2 to 6, subject to payment of Rs. 10,000/- each to both Meena Devi and Savitri Devi, as stated above.

Let the petitioner no.2 Ram Prawesh @ Ram Prawesh Yadav @ Rampravesh Kumar, petitioner no.3 Sanjay Yadav, petitioner no.4 Manish Yadav, petitioner no.5 Subhash Yadav and petitioner no.6 Parmanand Yadav be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Kumarkhand P.S. Case No.370 of 2021 to the satisfaction of learned Additional Chief Judicial Magistrate, IInd, Madhepura, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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