

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52758 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- ATHMALGOLA District- Patna

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GHULETAN YADAV S/o Late Mashu Yadav @ Ramdeo Yadav Resident of
Village- Meura, P.S.- Athmal Gola, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54334 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- ATHMALGOLA District- Patna

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MOHAN YADAV S/o Upendra Yadav R/o village- Meura, P.S.- Athmalgola,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 58113 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- ATHMALGOLA District- Patna

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KALLU YADAV @ KALLU KUMAR @ SUNNY KUMAR @ SANDEEP
KUMAR YADAV Son of Rampravesh Yadav R/V- Meura, P.S- Athmalgola,
Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 52758 of 2022)

For the Petitioner/s : Mr.Ashok Kumar, Adv.

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

(In CRIMINAL MISCELLANEOUS No. 54334 of 2022)

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh,APP

(In CRIMINAL MISCELLANEOUS No. 58113 of 2022)

For the Petitioner/s : Mr.Manoj Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and the State through video conferencing in view of the Covid-19.

The petitioners apprehend their arrest in connection with Athmal Gola P.S. Case No. 76 of 2022 instituted under Sections 147, 149, 341, 323, 325, 307 of the Indian Penal Code.

As per the prosecution story, allegation is that the petitioner, Mohan Yadav (Cr. Misc. No. 54334 of 2022) took the brother of the informant namely, Pramod Pandit on the pretext of seeing the field and there the accused persons were present where Mohan Yadav gave order whereafter allegation is that one Nishant Kumar Kaushal assaulted his brother by the iron rod and he sustained injuries and fell on the earth.

Learned counsel for the petitioner submits that though there is allegation of assault on the head , the fact remain that according to the medical report, he has fracture on his leg which may be due to fall on the ground and as such the FIR itself falsifies his statement. He however submits that in view of the fact that in any case there is fracture on the part of the informant's brother and allegation in the FIR is of assault, irrespective of the outcome of the petition of Cr. Misc. No. 54334 of 2022 (Mohan Yadav), the petitioner will be giving



medical assistance of Rs. 20,000/- to the injured 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.

So far as the other petitioners are concerned, learned counsel submits that save and except their presence that has been shown on the place of occurrence, no allegation of assault is/are there.

Learned APP as also learned counsel for the informant submits that Mohan Yadav took the informant's brother to the field. However, they concede that it was Nishant Kumar Kaushal who assaulted the informant's brother.

Taking into account the aforesaid facts that the allegation is mainly on Nishant Kumar Kaushal and there is/are omnibus allegation against all others and ultimately all of them will have to face the trial and further will be cooperating with the police during the course of investigation, this Court is inclined to grant them relief subject to payment of Rs. 20,000/- , as stated above.

Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties
of the like amount each in connection with Athmal Gola P.S.
Case No. 76 of 2022 to the satisfaction of learned S.D.J.M.,
Barh, Patna, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan
/Ajay Singh/-

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