

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73787 of 2022

Arising Out of PS. Case No.-96 Year-2017 Thana- CHAUSA District- Madhepura

1. NIKHIL KUMAR @ NIKHIL YADAV SON OF SHAMBHU YADAV R/O VILL.- DHURIA, P.S.- CHOUSA, DISTT.- MADHEPURA
2. RAKESH KUMAR @ KARKA YADAV SON OF DINESH YADAV R/O VILL.- DHURIA, P.S.- CHOUSA, DISTT.- MADHEPURA
3. RAHUL KUMAR @ RAHUL YADAV SON OF LATE PREM NATH YADAV R/O VILL.- DHURIA, P.S.- CHOUSA, DISTT.- MADHEPURA
4. RAUSHAN KUMAR @ RAUSHAN YADAV SON OF SUBHASH @ GOHALI YADAV R/O VILL.- DHURIA, P.S.- CHOUSA, DISTT.- MADHEPURA
5. DILKHUSH KUMAR @ DILKHUSH YADAV SON OF SUBHASH @ GOHALI YADAV R/O VILL.- DHURIA, P.S.- CHOUSA, DISTT.- MADHEPURA
6. MALRU YADAV SON OF LAKSHMAN YADAV R/O VILL.- DHURIA, P.S.- CHOUSA, DISTT.- MADHEPURA
7. ARVIND @ BAGHO YADAV SON OF LATE BIPIN YADAV R/O VILL.- DHURIA, P.S.- CHOUSA, DISTT.- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Barun Kumar Singh, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-05-2023 Heard learned counsel appearing on behalf of the parties.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioners are named in the F.I.R. and apprehending their arrest in connection with Chousa P.S. Case No. 96 of 2017 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 354, 379, 380, 427, 452,



504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against petitioners is to abuse and assault wife of informant, namely, Anita Devi with butt of weapon on her head causing her unconscious and when informant tried to save her, he was also assaulted.

Learned counsel appearing on behalf of the petitioners submitted that though specific allegation as regard to assault with but of weapon is available against Arbind @ Bhago Yadav but it also implies absence of intention to cause death. It is submitted that being equipped with fire arms, no firing was made which sufficient to suggest that the petitioner No.7 was not under intention to cause death of wife of the informant. It is submitted that the allegation against rest of the petitioners starting from petitioner No.1 to petitioner No.6 are very much general and omnibus in nature and they were implicated only being family members/relatives. While concluding the argument, it is submitted that one of the co-accused, namely, Bikram Kumar @ Vikram Kumar, had already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No. 62034 of 2022 dated 04.02.2023.

Learned APP for the State opposes the prayer of bail



and submitted that petitioners were actively participated in the occurrence.

Considering the aforesaid facts and circumstances of the case, as allegation against petitioner No.7 is to cause assault by suing grip butt of firearms, negating intention, whereas against rest of petitioners the allegation as regard to assault is very much general and omnibus on its face, accordingly all above named petitioners, in the event of their arrest or surrender before learned court below within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Udakishunganj, Madhepura/concerned Court, where the case is pending in connection with Chousa P.S. Case No. 96 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Katyayan/-

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

