

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82287 of 2023

Arising Out of PS. Case No.-255 Year-2023 Thana- BRAHMPUR District- Buxar

1. Akhilesh Yadav S/O Chhathu Yadav R/O Village- Chakki, (Chuni Dera), P.S. Brahmpur (Chakki O.P.), Dist. Buxar
2. Surendra Yadav S/O Hareram Yadav R/O Village- Chakki, (Chuni Dera), P.S. Brahmpur (Chakki O.P.), Dist. Buxar
3. Awadhesh Yadav S/O Raja Yadav R/O Village- Chakki, (Chuni Dera), P.S. Brahmpur (Chakki O.P.), Dist. Buxar
4. Ganesh Yadav S/O Chhathu Yadav R/O Village- Chakki, (Chuni Dera), P.S. Brahmpur (Chakki O.P.), Dist. Buxar
5. Paras Mani @ @ Paras Muni Yadav @ Paras Yadav S/O Satya Narayan Yadav R/O Village- Chakki, (Chuni Dera), P.S. Brahmpur (Chakki O.P.), Dist. Buxar
6. Algu Yadav S/O Raja Yadav R/O Village- Chakki, (Chuni Dera), P.S. Brahmpur (Chakki O.P.), Dist. Buxar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey, Advocate
For the Opposite Party/s : Mrs.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Brahmpur (Chakki O.P.) P.S. Case No. 255 of 2023, registered on 08.05.2023 for the offences under Sections 147, 149, 341, 323, 325, 307, 379, 504, 506 of the Indian Penal Code.

3. As per prosecution case, petitioners, making an unlawful assembly, came to the doors of the informant and



assaulted him with iron rod and lathi causing a number of injury.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is old enmity between two families and the present case is counter blast of Brahmpur (Chakki O.P.) P.S. Case No. 254 of 2023 registered against the informant side. The alleged injuries are simple though the informant procured a report from a hospital at Banaras. Learned counsel further submits that only one injury is stated to be grievous and that is on left foot. Even a injury is stated to be on the head but there is no repetition of blow on the head. From the facts it is apparent that there was no intention to cause death. The allegation of theft is ornamental. Learned counsel further submits that petitioner no. 4 is having one criminal antecedent whereas other petitioners have no criminal antecedent and petitioner no. 4 is on bail in the case lodged against him.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the petitioners assaulted the informant and caused altogether 7 injuries.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering



the fact that there is no any intervening circumstance and there is lack of material showing intention to cause death, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar/concerned court in connection with Brahmpur (Chakki O.P.) P.S. Case No. 255 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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