

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49793 of 2015

Arising Out of PS.Case No. -156 Year- 2015 Thana -MARHAURA District- SARAN

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Dharmendra Kumar Yadav @ Dharmendra Rai Son of Late Ganesh Rai
Resident of Village - Dumariya, P.S. - Chapra Muffasil, District - Saran at
Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv

For the Opposite Party/s : Mr. Smt.Renuka Ratnakar (APP)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 05-11-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioner for the offences punishable under Sections-341, 323, 324, 307, 504/34 of the Indian Penal Code, this Court on finding that there is corroborating injury on the person of Yogeshwar Yadav, ascribed against the petitioner, it would not find the petitioner entitled for privilege of anticipatory bail either on the basis that the weapon used by the petitioner is said to be Bhala or the two injuries found on the person of Yogeshwar Yadav is only lacerated. At this stage, the nature of injury may not be

very material and the manner of use of Bhala by the petitioner can only be found out in course of trial.

As with regard, to the counter case filed by the side of the petitioner, this Court has to note that though as many as six persons are said to be injured on the side of the prosecution on account of free fight as alleged in the FIR against the petitioner but not a single injury report has been produced by the side of the petitioner which may inspire confidence to the allegation in the counter case.

That being so, the prayer for anticipatory bail of the petitioner is hereby rejected.

Nonetheless, the petitioner will definitely have a right to seek regular bail, therefore, if the petitioner would surrender before the Court below and make a prayer for regular bail, his case would be decided on its own merits without being prejudiced by anything said in this order.

(Mihir Kumar Jha, J)

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