

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51994 of 2015

Arising Out of PS.Case No. -72 Year- 2015 Thana -ISUAPUR District- SARAN

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Dhanjeet Kumar Upadhaya, son of Prem Kishore, resident of village-
Kerawa, P.S. Isuapur, District- Saran Petitioner

Versus

1. The State of Bihar

.... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nalin Kumar
For the Opposite Party/s : Mr. Anant Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-12-2015

Heard learned counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the
State.

The petitioner apprehends his arrest in connection with
Isuapur P.S. Case No. 72 of 2015, for the offences alleged
under Sections 341, 323, 324, 504, 307/34 of the Indian Penal
Code.

The prosecution case as alleged is that the petitioner
along with other assaulted the informant by means of Farsa
causing injuries on his head, hand and neck. It has further been
alleged that when the cousin of the informant namely, Prabhat
Kumar Upadhyay came to rescue them, then the accused
Faudar Rai caught hold of the cousin of the informant and
assaulted the mother of the informant as also the informant by
means of lathi and danda.

It has been submitted by the counsel for the petitioner

that injury on the informant is simple in nature and a counter case bearing Isuapur P.S. Case No. 73 of 2015, is pending between the petitioner and the informant. There is, admittedly, land disputes between the informant and the petitioner and there is a pending Partition Suit No. 40 of 2011 between the petitioner and the informant. Furthermore, it has been submitted that the petitioner has a clean antecedent as is evident from para-3 of this petition.

A Co-ordinate bench of this Court has already granted the privilege of anticipatory bail to other co-accused in Cr. Misc. No. 35503 of 2015 on 04.09.2015. I do not propose to take a different view on the same and similar allegation.

Be that as it may, let the petitioner, namely, Dhanjeet Kumar Upadhya, in the event of his arrest or surrender before the court below within a period of six weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Sri S.D. Bharti, Judicial Magistrate, 1st Class, Chapra, in connection with Isaupur P.S. Case No. 72 of 2015, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

(Nilu Agrawal, J)

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