

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35487 of 2015

Arising Out of PS.Case No. -57 Year- 2015 Thana -SINGHIYA District- SAMASTIPUR

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Yogendra Yadav @ Gulo Yadav, Son of late Bhuttu Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ashok Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 04-09-2015

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341/323/308/354/504/34 of the Indian Penal Code.

It is alleged that for a dispute with regard to transfer of vulgar SMS on the mobile of the informant, the informant made complaint when co-accused Sunita Devi, Rajendra Yadav and the petitioner started abusing the informant. On protest being made co-accused Rajendra Yadav assaulted the informant with fists and slaps. In the meantime, co-accused Deepak Kumar Yadav made iron rod blow on his head when the informant fell down then this petitioner and Sunita Devi assaulted the informant with lathi.

It is submitted by learned counsel for the petitioner that injury report reflects two injuries; incise wound and lacerated

would and the injuries have been found to be simple in nature. Only one injury has been found to be caused by hard and blunt substance while other injury found caused by sharp cutting weapon. It is further submitted that the injury report does not corroborate the accusation as the informant was assaulted by four persons, but only two injuries have been found whereas the thrust of accusation is against Deepak Kumar.

It is submitted by learned counsel for the informant that in fact the informant received four injuries and out of one injury has been found to be grievous. The injury report produced by counsel for the informant by way of counter affidavit reflects that it is dated 18.04.2015 which was issued on 26.06.2015 by Dr. Jay Jyoti appears to be a private doctor whereas the injury report brought on record by petitioner, as contained at annexure 2 to the petition, issued by Dr. K. C. Choudhary, Medical Officer, PHC, Singhia, dated 07.04.2015 reflects that the injured was examined on 25.03.2015 which is the date of occurrence. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the accusation being not corroborated by the medical opinion, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the

learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Rosera, Samastipur in connection with Singhiya P.S. Case No.57 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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