

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5029 of 2015

Arising out of PS.Case No. -48 Year- 2014 Thana -SAKARPUR District- DARBHANGA

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1. Harish Chandra Yadav, Son of Late Sukhdeo Yadav.
 2. Panchu Yadav, Son of Late Lulhu Yadav.
 3. Dewan Yadav, Son of Panchu Yadav.
 4. Santosh Yadav, Son of Madhav Yadav. All residents of village - Gangauli Kanakpur P.S. Sakatpur, Distt. Darbhanga.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Arvind Kumar, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 23-06-2015 Heard both sides.

The petitioners apprehend their arrest in a case under Section 307 and other Sections of the Indian Penal Code.

Raj Kumar Paswan named the petitioners and alleged that Harish Chandra Yadav petitioner no. 1 assaulted him with lathi on his head.

It is submitted that the informant did not make any allegation against other accused persons but during the course of investigation, Navin Paswan made his statement and disclosed that on account of assault made by Santosh Yadav petitioner no. 4, he got fracture injury in his left hand. There is counter version. All other injuries are simple injury.

Learned counsel for the State did not dispute the fact.

However, opposed the prayer for anticipatory bail.

There is case and counter case. Both sides received injuries which are found simple in nature except the injury found on the person of Navin Paswan. The assailant of Navin Pawan is Santosh Yadav.

Considering the facts, the Petitioner no. 1 Harish Chandra Yadav, petitioner no. 2 Panchu Yadav, and petitioner no. 3 Dewan Yadav are directed to be released on bail in the event of their arrest or surrender before the learned court below within a period of four weeks from today in Sakatpur P.S. Case No. 48 of 2014, corresponding to G.R. No. 2898 of 2014 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Darbhanga, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of Santosh Yadav petitioner no. 4 is concerned, he is the assailant of Navin Paswan and he got grievous injury. Hence, I am not inclined to grant anticipatory bail to Santosh Yadav petitioner no. 4. Accordingly, the same is rejected.

U.K./-

(Prabhat Kumar Jha, J)

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