

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4559 of 2015

Arising Out of PS.Case No. -155 Year- 2014 Thana -KHIJARSARAI District- GAYA

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1. Shyam Bihari Yadav,
2. Mithilesh Yadav @ Mithlesh Yadav Both sons of Late Mukhtar Yadav
Resident of Village - Kurba, P.S. - Khizersarai, District - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma, Advocate.

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 03-02-2015 Heard both sides.

The petitioners apprehend their arrest in Khizersarai
P.S. Case No. 155 of 2014, registered for the offences punishable
under Section 307 and other Sections of the Indian Penal Code and
Section 27 of the Arms Act.

According to the prosecution case, the petitioner
Shyam Bihari Yadav is alleged to have assaulted the informant
with Garasa on his head. Petitioner no. 2 Mithilesh Yadav @
Mithlesh Yadav was armed with pistol but no firearm injury was
found.

Learned counsel for the petitioners submits that the
injury found on the head of the informant is superficial in

nature as its depth is 1/4th. There is counter version. The supervising authority also found the case not true under Section 307 of the Indian Penal Code.

On perusal of the records, it appears that there is allegation and counter version. There is no allegation of assault against the petitioner no. 2 and petitioner no. 1 is alleged to have assaulted with Garasa and one superficial injury is said to have been caused.

Considering the facts aforesaid, the petitioners, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Miss Akanksha Kashyap, the learned Judicial Magistrate, Ist Class, Gaya in connection with Khizersarai P.S. Case No. 155 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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