

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9707 of 2016

Arising Out of PS.Case No. -349 Year- 2015 Thana -MEERGANJ District- GOPALGANJ

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1. Rajesh Yadav, Son of Ramanand Chaudhary
2. Anil Yadav Son of Harkesh Choudhary Both are resident of Village-
Jigana Gopal Tola Kharnahi, Police Station- Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar Singh

For the Opposite Party/s : Mr. T.N.Thakur(App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 13-04-2016 Learned counsel for the petitioners seeks permission to withdraw the application of petitioner no.2, since during the pendency of this bail application he has been arrested.

Such permission is accorded.

Accordingly, the bail application of petitioner no.2 is dismissed as withdrawn.

Heard learned counsel for the petitioner no.1 and the learned A.P.P. for the State.

The petitioner no.1 apprehend his arrest in connection with Mirganj P.S. Case No. 349 of 2015 registered under Sections 341, 323, 324, 308, 447 and 504/34 of the Indian Penal Code.

The accusation is that on 08.12.2015 four persons

including the petitioner were planting the paddy crops and also fixing *khunta* at his land then the informant made protest, thereafter they started to abuse him. When his son Bipin Kumar Chaurasia rushed to save him then he was also assaulted by stick. While he and his son rushed towards his house then petitioner no.1 Rajesh Yadav gave knife blow at the head of Rajesh Yadav, son of the informant.

Learned counsel appearing on behalf of the petitioner submits that in fact, during to land dispute, occurrence took place, in which defence party also sustained injury regarding which Mirganj P.S. Case No. 350 of 2015 is instituted by the wife of the brother of the petitioner. While there is specific allegation to give knife blow at the head of son of the informant but only one injury is found caused by hard and blunt substance.

Having considered the facts and circumstances of the case, let the above named petitioner no.1 Rajesh Yadav be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the C.J.M., Gopalganj in connection with Mirganj P.S. Case No. 349 of 2015 subject to the condition as laid down under Section 438(2) of the Cr. P.C.

Shail/-

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(Rajendra Kumar Mishra, J)