

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.14395 of 2016

Arising Out of PS.Case No. -162 Year- 2015 Thana -RAFIGANJ District- AURANGABAD

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1. Vijay Yadav, S/o Late Chandradeep Yadav, Resident of Village- Padrahi,
P.S.- Rafiganj, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha

For the Opposite Party/s : Mr. Anuradha Singh(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 20-04-2016

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehends arrest in connection with Rafiganj P.S.Case No. 162 of 2015 for offences alleged under Sections 341,323,307,504/34 of the Indian Penal Code.

The prosecution case as per F.I.R. is that on 19.10.2015 at 12'o clock all the accused persons including the petitioner named in the F.I.R., were removing the stone fixed after measurement at the corner of the land of the house of the informant, and when it was protested, they abused and assaulted by sawal on the head of the informant and when his wife and daughter-in-law came to

rescue, they had been assaulted by lathi.

It has been submitted by learned counsel for the petitioner that he has no criminal history, as is evident from para-3 of the application, and the present case is a counter to earlier case being Rafiganj P.S.Case No. 161/2015 under section 307 I.P.C. and relates to the same occurrence in which both sides sustained injury. It has further been submitted that no case under Section 307 is made out against the petitioner and the injury caused is simple in nature.

However, learned counsel for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Since there is a case and counter case regarding the same occurrence and injury on both sides being simple in nature, hence the petitioner, above named, in the event of his arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,

Aurangabad in connection with Rafiganj P.S. Case No.
162 of 2015, subject to the conditions as laid down under
Section 438(2) Cr. P. C.

(Nilu Agrawal, J)

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