

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.21440 of 2016**

Arising Out of PS.Case No. -52 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

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Laxuman Yadav @ Laxman Kumar Yadav @ Laxman Yadav, Son of  
Harinath Yadav, Resident of Village- Sareya, Ward No. 5, P.S.- Nagar,  
District- Gopalganj.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Binod Kumar Sinha, Advocate

For the Opposite Party : Mr. Sanjay Kr. Tiwary(App)

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL ORDER**

2 10-08-2016

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends arrest in connection with  
Gopalganj (Town) P.S. Case No. 52 of 2015 for offences alleged  
under Sections 323,342,324 and 307/34 of the Indian Penal Code.

The prosecution case is that on 13.02.2015 the  
informant Prakash Kumar Dubey along with Prabhu Dayal Yadav  
were going to market and in the way, petitioner along with other  
co-accused persons attacked on Prabhu Dayal Yadav with knife  
with intention to kill him and he fell down. When informant  
rushed to rescue him, they encircled him and started assaulting  
with knife and on hulla, nearby people intervened and brought the  
informant to hospital for treatment.

It has been submitted by the learned counsel for the  
petitioner that he is innocent and has been falsely implicated in the

aforesaid case, due to his being on inimical terms with one Prabhu Dayal Yadav who is alleged to be accompanying the informant. There is land dispute between the two. It has also been submitted that the allegation upon the petitioner and two other unknown are general and omnibus in nature and the injury as per injury report on the informant and one Prabhu Dayal Yadav have been found to be simple in nature. He submits that as such no case under Section 307 of the I.P.C is made out. He further submits that the petitioner has no criminal history as is evident from para-3 of this application.

However, learned APP submits that the petitioner is named in the First Information Report, hence, opposes the prayer for bail.

Be that as it may, let 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj (Town) P.S. Case No. 52 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

**(Nilu Agrawal, J.)**

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