

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40974 of 2016

Arising Out of PS.Case No. -76 Year- 2016 Thana -KAMTAUL District- DARBHANGA

1. Mahesh Yadav son of Late Butan Yadav Resident of Village-Dudhiya,
P.S.-Kamtoul, District-Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 26-09-2016 Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Kamtaul Police Station Case No. 76 of 2016,
disclosing offences under Sections 341/324/307/379/34 of
the Indian Penal Code.

The petitioner is said to have assaulted the
informant with dagger on his neck, whereafter the
informant was taken to Darbhanga Medical College and
Hospital, Darbhanga, and subsequently to Patna Medical
College and Hospital, Patna.

It is also alleged that the petitioner snatched a
sum of Rs. 40,000/- from the informant's pocket.

Learned Counsel appearing on behalf of the



petitioner has submitted that implication of the petitioner, in the present case, is malicious and out of retaliation. It has been stated in paragraph 8 of the present application that much prior to lodging of the present First Information Report, the petitioner had got registered Kamtaul Police Station Case No. 154 of 2015, in which informant is an accused and after completion of investigation, Police have submitted charge sheet under various sections of the Indian Penal Code, including Section 307 of the Indian Penal Code against the informant. Learned Counsel for the petitioner has submitted that the present First Information Report has been lodged after filing of charge sheet by the Police in the said Kamtaul Police Station Case No. 154 of 2015. He has also submitted that land dispute and animosity between the parties is evident from the allegations made in the First Information Report itself. It has been stated in paragraph 3 of the application that the petitioner has no criminal antecedent.

Considering the above submissions, this application is allowed.

Let the petitioner, Mahesh Yadav, in the event of his arrest or surrender before the Court below within six weeks, 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, Darbhanga, in connection with Kamtaul Police Station Case No. 76 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

Prabhakar Anand/-c

(Chakradhari Sharan Singh, J.)

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