

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29656 of 2016

Arising Out of PS.Case No. -97 Year- 2016 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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1. Devi Lal Yadav son of Sri Shiv Yadav, resident of village Bijwanpar,
P.S. Deepnagar, District Nalanda
2. Sujit Yadav son of Ajay Yadav, resident of village Chakrasulpur, P.S.
Deepnagar, District Nalanda.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Shashank Shekhar, Advocate.

For the Opposite Party : Mr. Reena Sinha, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 30-11-2016 Heard both sides.

The petitioners apprehend their arrest in Deepnagar P.S.
Case No. 97 of 2016 registered for the offences punishable under
Section 307 and other Sections of the Indian Penal Code and under
Section 27 of the Arms Act.

The wife of the injured named the petitioners along with
other accused persons and alleged that on the order of Devi Lal Yadav
nine other accused persons brutally assaulted her husband. Her husband
became unconscious and he was brought to J.P. Hospital for treatment.

Learned counsel for the petitioners submits that Devi Lal
Yadav, petitioner no. 1 is an order giver and Sujit Yadav, petitioner no.
2 is alleged to have called all the other accused persons on the place of
occurrence but there is no allegation of assault against them. From

injury report it would appear that the doctor of J.P. Hospital found one lacerated wound on scalp, pain and swelling on left wrist. The doctor did not give any opinion with regard to nature of injury. Even the injured made omnibus and general allegation of assault against all the accused persons. In paragraph-49 of the case diary only two injuries were found. The petitioners are not alleged to have assaulted the husband of the informant.

Considering the facts aforesaid, the petitioners above named, 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Nalanda at Bihar Sharif in Deepnagar P.S. Case No. 97 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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