

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37482 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -SIDHWALIA District- GOPALGANJ

1. Anil Prasad Yadav @ Anil Yadav, aged about 40 years Son of Raj Nandan Yadav Resident of Village- Sadauwa Kothi, P.S.- Sidhwaliya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lalan Kumar, Advocate

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-09-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sidhwalia P.S. Case No. 15/2016 registered for offences punishable under Sections 341, 323, 307, 302/34 of the Indian Penal Code.

The prosecution case as per written application of one Satyendra Yadav given to S.H.O., Sidhwaliya P.S., is that on 14.07.2016 at 7. 30 A.M. Wakil Yadav, Raju Yadav and Kameshwar Yadav, son-in-law of Sheonath Yadav having farasa, rod and bamboo in their hands assaulted his father on his head, chest with lathi and Karasa , who became seriously injured and

when Upendra Yadav came there to save him, then Pradip Yadav and Anil Yadav (petitioner) assaulted him with lathi and danda and he also received injuries. Thereafter to save him his wife Radhika Devi, nephew Bijendra Yadav came then Mundrika Choudhary, Arjun Yadav, Sheonath Yadav assaulted them. Thereafter, he brought his father to Sidhwaliya Hospital and from there he was referred to Sadar hospital, Gopalganj and from Gopalganj he was referred to P.M.C.H., Patna and on way to P.M.C.H. his father died.

It has been submitted by the learned counsel for the petitioner that he has not caused any injury on the father of the informant rather the injuries alleged to have been caused by the petitioner on one Upendra Yadav, have been found to be simple in nature. He further submits that the petitioner has no criminal history as is evident from para-3 of this application and no case Under Sections 307 and 302 of the Indian Penal Code are made out against him.

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

Be that as it may, since injury was not caused by the petitioner which resulted in death of the informant's father, let the

above named petitioner, 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 only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Sidhwalia P.S.Case No. 15/2016, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J)

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