

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45950 of 2016

Arising Out of PS.Case No. -86 Year- 2014 Thana -KOCH District- GAYA

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Shailesh Kumar @ Shailesh Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Uday Pratap

For the Opposite Party/s : Mr. Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 22-10-2016

Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341,323 and 324/34 of the Indian Penal Code.

The prosecution case is that in the background of land dispute the petitioner caught hold of the informant when Ramchandra Yadav assaulted him with garasa on his head.

It is submitted by the learned counsel for the petitioner that the accusation of assault has not been levelled against the petitioner. It is further submitted that on conclusion of investigation the police submitted chargesheet against co accused Ramchandra Yadav while the petitioner was not sent up for trial but subsequently after differing with the same the learned Magistrate took cognizance against the petitioner also under

sections 326 and 307/34 and other allied sections of the IPC. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the specific accusation has not been made against the petitioner and on conclusion of investigation the petitioner was not sent up for trial, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Gaya in connection with Konch P.S. Case No. 86 of 2014 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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