

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8829 of 2016

Arising Out of PS.Case No. -607 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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1. Dhananjay Yadav Son of Uttam Chand Yadav, Resident of Mohalla -
Gaura Garh, P.S. - Bihar, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. M.K.Khare(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2016

Learned counsel for the petitioner is permitted to
make correction in the petition during course of the day.

Heard learned counsel for the petitioner and the
State.

The petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections
341, 323, 324, 307, 504, 506/34 of the Indian Penal Code
and 27 of the Arms Act.

The prosecution case is that the informant and
his maternal-brother Babloo Kumar were sitting on the
shop, when four F.I.R. named accused persons including
petitioner along with five unknown persons came,
threatened and assaulted the maternal-brother of the
informant for not deposing in the case filed against them.
When the informant tried to rescue, then accused



assaulted him with fists and slaps. When informant started to run away then all the accused persons resorted to fire and firing made by co-accused Sanjay Kumar, caused injury on the waist of the informant. The motive of the occurrence is alleged to be killing of brother of informant Pappu Yadav about 15 years prior to the lodging of the present case by the accused persons. The informant is a witness in the earlier case, hence in order to restrain the witnesses to deposed against the accused persons, they made an attempt to kill informant side.

It is submitted by the learned counsel for the petitioner that in the earlier case lodged for the murder of the informant's brother Pappu Yadav the petitioner was not an accused and specific accusation of causing fire-arm injury is levelled against Sanjay Kumar. Though, the injury report is not on record till date. There is counter version of the occurrence. Accused Sonu Kumar lodged Bihar P.S. Case No. 606 of 2015 against the informant. At earlier point of time the petitioner also filed Bihar P.S. Case No. 03 of 2012 against the informant's side. Hence in the background of serious litigated relationship, the accusation has been levelled. Though there are three cases against the petitioner filed on behalf of the informant's side, out of which in two of them prima facie case has been found untrue and the petitioner is on bail in other cases.

Considering the fact that no overt act has been

levelled against the petitioner, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 607 of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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