

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16300 of 2017

Arising Out of PS.Case No. -157 Year- 2016 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

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Raj Kumar Yadav, Son of Late Indu Gope, Resident of Mohalla- Golapur,
P.S. Deep Nagar, District Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pankaj Kumar, Advocate.

For the Opposite Party : Mr. Anil Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 01-05-2017 Heard both sides.

The petitioner apprehends his arrest in Deep Nagar P.S. Case No. 157 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 informant alleged that while he was sitting on his Darwaja, the petitioner and others came with JCB machine and started digging earth by the side of the boundary of the informant. The informant protested, the brother Sanjay Kumar also came there and protested digging of earth by the side of the boundary of the informant. It is further alleged that Bindeshwari Yadav, Mukesh Yadav and Akhlesh Yadav having armed with Lathi, Garasa assaulted the informant and his brother. It is further alleged that Raj Kumar Yadav assaulted the brother of the informant with Garasa on his head.

Learned counsel for the petitioner submits that Bindeshwari



Yadav, Mukesh Yadav and Akhlesh Yadav are firstly alleged to have assaulted the informant and his brother. The petitioner Raj Kumar Yadav is said to have assaulted Sanjay Kumar, the brother of the informant but, Sanjay Kumar brother of the informant got only injury that too caused by hard and blunt substance and the nature of injury is opined to be simple. Co-accused Akhalesh Yadav @ Akalesh Yadav has already been enlarged on bail vide order dated 08.03.2017 passed in Cr. Misc. No. 8660 of 2017.

Considering the facts aforesaid and the fact that the nature of injury is simple and the co-accused has already been enlarged on anticipatory bail, the petitioner above named, in the event of his 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, is 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 Chief Judicial Magistrate, Nalanda in Deep Nagar P.S. Case No. 157 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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