

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21131 of 2017

Arising Out of PS.Case No. -121 Year- 2016 Thana -KONCH District- GAYA

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1. Sanjay Yadav,
 2. Poondeo Yadav
 3. Santosh Yadav, All are Sons of Suresh Yadav,
 4. Uday Prasad Yadav @ Uday Yadav, Son of Late Halkhori Yadav,
 5. Suresh Yadav, Son of Late Halkhori Yadav, All R/o Village- Ker, P.S.-
Konch, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 12-09-2017 Learned counsel for the petitioner seeks permission to withdraw the application filed on behalf of petitioner No. 2 Poondeo Yadav, petitioner No. 3 Santosh Yadav and petitioner No.5 Suresh Yadav as they have already been arrested in this case, so the application filed on behalf petitioner Nos. 2,3 and 5 has become infructuous.

In view of the above, the application filed on behalf of petitioner Nos. 2, 3 and 5 is dismissed as withdrawn.

Heard learned counsel appearing on behalf of petitioner No. 1 Sanjay Yadav and petitioner No.4 Uday Prasad Yadav @ Uday Yadav and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with



Konch P.S. Case no. 121 of 2016, registered under Sections 341, 323, 324, 325 and 307/34 of the Indian Penal Code.

The accusation is that in the evening of 21.07.2016, the informant Ranjeet Yadav was returning to his house at that time petitioner No.1 Sanjay Yadav was going in field driving the tractor then he asked him to close the Muhani after passing of the tractor on which petitioner No.1 gave Farsa blow at the head of informant. In the meantime, Sanjay Yadav, Santosh Yadav, Madhu Yadav and petitioner No.4 Uday Yadav also came and started to cause assault, when Dhananjay Yadav, brother of the informant came to rescue then he was also assaulted by petitioner No.4 Uday Yadav and Suresh Yadav.

Learned counsel for the petitioners submits that while the allegation has been made against petitioner No.1 Sanjay Yadav to cause injury through Garasa at the head of informant, but only one lacerated injury found on the person of the informant, which is simple in nature, while two injuries were found on the person of Dhananjay Yadav, brother of the informant, which is said to be caused by petitioner Uday Yadav and Suresh Yadav, out of which one injury was found simple in nature and other is grievous caused by hard and blunt substance.

Having regard to the facts and circumstances of the case, the petitioner 1. Sanjay Yadav and petitioner No.4 Uday Prasad Yadav @ Uday Yadav, be released on bail, in the event of their arrest or



surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Gaya in connection with Konch P.S. Case No.121 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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