

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37946 of 2017

Arising Out of PS.Case No. -138 Year- 2013 Thana -CHANDAUTI District- GAYA

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1. Dharmendra Yadav @ Dharmendra Kumar,
2. Ravindra Yadav, Both Son of Suggi Yadav, Resident of Village- Candi,
Police Station- Chandauti, District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Adv.

For the Opposite Party/s : Sri Amrendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 16-08-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners apprehends their arrest in connection with Chandauti P.S. Case No. 138 of 2013 registered for the offence(s) punishable under section(s) 341, 323, 324, 307, 379, 504/34 of the Indian Penal Code.

The informant has alleged that on 15.04.2013 when he was working in his house, this petitioner and other FIR named accused came there and damaged his Chajja. On protest, the accused assaulted the informant and when the wife of the younger brother of the informant, namely, Guria Devi came there to save him, then this petitioner allegedly assaulted by butt of pistol on her head and petitioner no. 2 assaulted by means of lathi on her waist.



Learned counsel for the petitioner submits that both the parties are neighbours and for land dispute, occurrence took place. There is also a counter case from the side of the petitioner. There is delay of 10 days in registration of the case. The injuries are simple in nature.

Learned Additional Public Prosecutor on the other hand opposed the submission.

On perusal of the injury report annexed as Annexure-2 to this application it appears that allegation against no. 1 is that he assaulted by butt of pistol on the head of Guria Devi and injury report shows the injury is grievous in nature. Having regard to which the prayer of petitioner no. 1 is rejected. If he surrenders before the Court below and make prayer for regular bail, the Court below shall consider his case on merit on same day without being prejudiced by this order.

So far petitioner no. 2 is concerned, he allegedly assaulted Guria Devi by means of lathi. The Doctor has not reported any other injury except one.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of petitioner no. 2 is allowed.

Let petitioner no.2, namely, Ravindra Yadav in the event of arrest or surrender before the court below within a period



of six weeks, be released on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Chandauti P.S. Case No. 138 of 2013, subject to the condition as laid down under Section 438 (2) of the Criminal Procedure Code.

(Sanjay Kumar, J)

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