

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61306 of 2017

Arising Out of PS. Case No.-222 Year-2016 Thana- LAXMIPUR District- Jamui

Bhutak Yadav, S/o- Shukat Yadav, R/o- Village- Gnorparan, P.S.- Laxamipur,
District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
For the Opposite Party/s : Mr. Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 19-12-2017 Heard learned counsels for the petitioner and State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307 and 504/34 of the IPC.

The prosecution case, as per the written report of Rinku Devi is to the effect that the informant along with Yasodha Devi was going to paddy field, but on the way, the petitioner Bhutak Yadav assaulted with axe on the forehead of Yasoda Devi, as a result of which, she became unconscious, when she was brought to the house, where Pappal Yadav, Muneshwar Yadav were also assaulted by lathi and Lalmuni Yadav was assaulted by axe by the accused persons.

It is submitted by learned counsel for the petitioners that though, thrust of assault by axe is against the petitioner, but it



appears that Yashodha Devi had received simple injury caused by hard and blunt substance, though, opinion with regard to one of the injuries has been kept reserved. Moreover, the informant has retracted from his initial version and filed a petition to that effect before the learned court below. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the specific accusation of assault is against the petitioner.

Considering the fact that the accusation is not being corroborated with the medical opinion, coupled with the retracted version of the informant, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned ACJM-III, Jamui in connection with Laxamipur P.S. Case No. 222 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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