

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48741 of 2016

Arising Out of PS.Case No. -85 Year- 2016 Thana -MOKAMAH District- PATNA

=====

1. Subodh Kumar @ Subodh Yadav
2. Pramod Kumar @ Pramod Yadav. Both sons of Late Ganga Yadav.
3. Sita Ram Yadav Son of Late Chano Yadav All residents of Mohalla-
Gurudev Tola, Ward No. 2, P.S.- Mokamah, District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioners : Mr. Sourendra Pandey, Advocate.

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

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 23-03-2017 Heard both sides.

The petitioner no. 1 Subodh Kumar @ Subodh Yadav and petitioner no. 3 Sita Ram Yadav apprehend their arrest in Mokamah P.S. Case No. 85 of 2016, registered for the offences punishable under Section 308 and other Sections of the Indian Penal Code.

The informant alleged that Subodh Kumar @ Subodh Yadav and Sita Ram Yadav came to his house began to abuse and when the informant forbade, Pramod Yadav and Sita Ram Yadav assaulted him with iron rod and he got injury on his head. The informant was referred to PMCH for treatment.

Learned counsel for the petitioners submits that there is



no motive of assault. Sita Ram Yadav, petitioner no. 3 is alleged to have assaulted the informant with iron rod to kill and there is no allegation of assault against petitioner no. 1 Subodh Kumar @ Subodh Yadav.

Considering the facts aforesaid and the fact that there is no allegation of assault against petitioner no. 1 Subodh Kumar @ Subodh Yadav 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. 5,000/- (Five Thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Barh, Patna in Mokamah P.S. Case No. 85 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far as the case of petitioner no. 3 Sita Ram Yadav is concerned there is allegation against him that he assaulted the informant with iron rod to kill and corresponding injury was found on the head of the informant who was referred to PMCH for treatment and thereafter the injury was found to be simple as no fracture was found on the head, I am not inclined to enlarge the petitioner no. 3 Sita Ram Yadav on anticipatory bail. Accordingly,



the same is rejected.

The petitioner no. 3 Sita Ram Yadav, if so advised, may surrender before the court below within four weeks from the date of receipt/production of a copy of this order and pray for regular bail, his prayer shall be considered on its own merit without being prejudiced by this order.

(Prabhat Kumar Jha, J.)

KKSINHA/-

U		T	
---	--	---	--

