

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61851 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -PALI District- JEHANABAD

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Shivlakhan Yadav, S/o Karu Yadav, R/o Village- Kasiyawa Sikariya, P.S.-
Pali, Dist.- Jehanabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 21-12-2017

Heard learned counsel for the petitioner and

learned APP for the State.

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

The prosecution case, as per the written
report of Sanjay Kumar, is to the effect that on 03.08.2017 at
about 7.00 P.M. the informant being Electrician was working on
the electric pole, in the meantime, the petitioner besides co-
accused persons started abusing and assaulting the informant and
obstructed the informant in working on the electric pole. It is
further alleged that petitioner assaulted on the head of Sanjeev
Kumar, the brother of the informant with iron rod, causing



bleeding injury and thereafter the other accused persons assaulted on the hand and leg of the informant.

It is submitted by learned counsel for the petitioner that in the background of earlier dispute the accusation has been levelled. At earlier point of time the case was lodged by uncle of the petitioner against informant side. Though, only one injury has been found on the skull of the brother of the informant and opinion has been reserved, but there is no accusation of repeating the blow, hence, the case does not come within the purview of Section 307 IPC. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. For the occurrence of 03.08.2017 at 7.00 P.M. the FIR was registered on 04.08.2017 at 4.30 P.M.

Considering the case lodged by the petitioner side at earlier point of time, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent and there is no accusation of repeating the blow, let the above named petitioner be released on anticipatory bail, in the event of arrest or 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 the like amount each to the satisfaction of learned



Judicial Magistrate, Ist Class, Jehanabad in connection with
Pali P.S. Case No. 36 of 2017, subject to the conditions as laid
down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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