

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.67633 of 2018**

Arising Out of PS. Case No.-182 Year-2018 Thana- CHAND District- Bhabhua (Kaimur)

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1. Sanjay Yadav Son of late Rambachan Yadav
  2. Bibhuti Kumar @ Bhagwati Yadav@ Bhagaiti Yadav Son of Moti Yadav Both are resident of Village- Hata, P.S. Chainpur, District- Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Smt. Pushpa Sinha

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      22-11-2018                      Counsel for the petitioners seeks permission of the Court to withdraw this application in respect of petitioner no. 1 as he has been taken into judicial custody.

Permission is accorded.

The application is dismissed as withdrawn in respect of petitioner no. 1.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioner no. 2 is apprehending his arrest in a case registered under Sections 307, 379/34 of the Indian Penal Code.

The prosecution case, in short, is that while the informant was returning after attending a party at night, a Bolero dashed his motorcycle due to which he fell down from



the motorcycle and thereafter all the accused persons started assaulting him due to which he sustained injuries.

It has been submitted on behalf of the petitioners that the petitioner no. 2 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner no. 2. The petitioner has falsely been implicated in the present case. The nature of injury is said to be simple. Hence, no offence under Section 307 IPC is made out.

On behalf of the State, it is submitted that the petitioner no. 2 is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner no. 2, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. IV, Bhabua, Kaimur in connection with Chand P.S. Case No. 182/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Pankaj/-

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