

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4339 of 2018

Arising Out of PS.Case No. -221 Year- 2017 Thana -SABOUR District- BHAGALPUR

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Fantush Yadav @ Amarjeet Kumar Nirala S/o Late Mahesh Yadav, R/o
Village- Chandhari, P.S.- Sabour , District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Ajay Kumar Jain, Advocate.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 14-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Sabour P.S. Case No.
221 of 2017 registered under Sections 147, 148, 149, 341, 323,
324, 325, 307, 504 and 506 of the Indian Penal Code.

Ten accused persons are said to have
indiscriminately assaulted the informant by means of iron rod,
hockey stick and lathi etc. over row of withdrawal of the case filed
by the informant against the accused persons.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. The allegation
levelled against the petitioner is not specific rather omnibus. It is a
counter blast of Sabour P.S. Case No. 152 of 2017 filed against the
prosecution party by the brother of the petitioner. Though the



informant is said to have sustained fracture injury on his both hands and legs, but the doctor of PHC, Sabour who has primarily examined the victim has not found any injury on the hand of the informant rather on his legs and nature of injury has also not been opined by the doctor till date though the occurrence is said to be of 06.08.2017. The petitioner has been languishing in custody since 16.11.2017.

On the other hand, it is submitted by learned APP for the State and learned counsel for the informant that the petitioner along with other accused persons are said to have assaulted the informant by means of iron rod, etc. and fractured his limbs on refusal by the informant to withdraw the case lodged by him against the accused persons.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Bhagalpur in connection with Sabour P.S. Case No. 221 of 2017.

(Prakash Chandra Jaiswal, J)

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