

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25422 of 2018

Arising Out of PS.Case No. -49 Year- 2017 Thana -ANDER District- SIWAN

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1. Dharmendra Yadav @ Dharmendra Kumar Yadav @ Dharmendra Kumar
S/o Bhoj Yadav, R/o Vill.- Babu Ke Bhatkan, Narendrapur, P.S.- Andar,
District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Opposite Party/s : Mr. Sri Jagdhar Prasad

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 17-05-2018 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State. Learned counsel for the

informant is also present.

The petitioner has been in custody since 17.03.2018

in connection with Andar P.S. Case No. 49/2017 registered for the

offences punishable under Sections 341/323/324/307/506/34 of

the Indian Penal Code.

Learned counsel for the petitioner submits that

though the petitioner is stated to have attacked the informant with

a sharp cutting knife, the injury report which has come indicates

the injury to be that of hard and blunt substances and such a report

belies the entire prosecution story. It is further submitted that in

view of the patent contradiction in the prosecution case, the



petitioner is entitled to the privilege of bail. He further submits that two other accused persons who was said to have been present at the place of occurrence and had attacked the informant, have since been extended the privilege of bail in Cr. Misc. No. 50347 vide order dated 18.10.2017. Learned counsel for the petitioner further submits that save and except the present case, the petitioner is having no other criminal antecedent as on date. However, earlier he had been convicted in a case and thereafter in another case, the number of which has been filed at Paragraph No. 3, the petitioner has since been acquitted.

Learned counsel appearing on behalf of the informant, however, resists the application and submits that the petitioner and his father have criminal antecedents and, therefore, are not entitled to the privilege of bail. It is further submitted that the injury report clearly reveals that the brother of the informant had sustained grievous injury.

In view of the aforementioned facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Assistant Sessions Judge, Siwan, in connection with Andar P.S. Case No. 49/2017, subject to the following conciliations:-



- (1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or their wife.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

Saif/Sneha

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