

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.67984 of 2018**

Arising Out of PS. Case No.-186 Year-2015 Thana- GURUA District- Gaya

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Briksh Yadav, Son of Late Raghu Yadav, Resident of Village-Gaon Khap,  
Police Station -Sherghati, Distt.-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Meena Singh, APP

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

2      17-12-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner is apprehending arrest in a case registered  
for the offences punishable under Sections 147, 149, 341, 323,  
324, 379, 308, 504 and 506 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of  
Alakhdev Yadav, recorded by A.S.I. S.K.Singh, of Magadh  
Medical Police Station on 15.09.2015 at 01.00 A.M. at Bed  
No.6, E.N.T Ward, A.N.M.C.H., Gaya to the effect that on  
14.09.2015 at 5.00 P.M. when the informant reached his house  
after returning from the market, he saw that five accused  
persons, including the petitioner were assaulting his wife,  
namely Kanti Devi. It is specifically alleged that petitioner  
assaulted the wife of the informant with a *garasa*, causing cut



injury near the eyebrow of her right eye, whereas, co-accused, Manoj Yadav assaulted her with 'tangi, causing injury on her right hand. It is further alleged that co-accused, Chandradev Yadav indiscriminately assaulted the informant's wife with *lathi*, as a result she became unconscious and fell down on the ground. When the informant went to rescue his wife, co-accused, Manoj Yadav, assaulted him by a *tangi* and thereafter all the accused persons also assaulted the informant. It is also alleged that co-accused, Manoj Yadav snatched a gold Mangalsutra from the neck of the informant's wife and Rs.11,000/- from the pocket of the informant.

It is submitted by learned counsel for the petitioner that though two abrasion injuries have been found on the person of the informant, but both are simple in nature caused by hard and blunt substance. The wife of the informant has received three injuries and out of three injuries two injuries have been found simple in nature, whereas one injury has been found grievous in nature, caused on her forehead by hard and blunt substance, though the petitioner is alleged to have assaulted the wife of the informant with 'garasa' which is a sharp cut weapon. There is a counter version of the occurrence being Gurua P.S. Case No.162/2015. A statement has been made in paragraph no.3 of



the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner has been named in the FIR with specific accusation of assault.

Considering the accusation being not corroborated with the medical report, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, 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 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM-1, Gaya in connection with Gurua P.S. Case No. 186 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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