

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8771 of 2019

Arising Out of PS. Case No.-89 Year-2018 Thana- ADHAOURA District- Bhabhua (Kaimur)

LAL BIHARI YADAV, Son of Late Singoi Yadav, R/o village- Dighar, P.S-
Adhaura, District Kaimur at Bhabhua Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Nawal Kishore Prasad
For the informant : Mr. Rajani Kant Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-02-2019 Heard learned Counsel for the petitioner, learned
Counsel appearing on behalf of the informant and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Adhaura Police Station Case No. 89 of 2018, disclosing offences under Sections 341, 323, 307, 504/34 of the Indian Penal Code.

Learned Counsel for the petitioner has submitted that apparently some scuffle took place over petty dispute of a pair of slippers having being found missing from a public place. The petitioner is said to have assaulted in the head of the informant with an axe (tangi). It has been submitted that even if the allegations are treated to be correct, it cannot be said that there had been any intention of the petitioner to kill the informant.

Learned Counsel appearing on behalf of the informant



has vehemently opposed the prayer for anticipatory bail and has submitted that injury has not only been found to be grievous in nature, but the same is endangerous to the informant's life.

Be that as it may, considering the background in which the occurrence is said to have taken place and there is no allegation against the petitioner of having repeated the blow, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class Kaimur, at Bhabhua, in connection with Adhoura Police Station Case No. 89 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

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(Chakradhari Sharan Singh, J.)

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