

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80631 of 2018

Arising Out of PS. Case No.-102 Year-2018 Thana- KARAI PARSURAI District- Nalanda

Upendra Yadav son of Binda Yadav, resident of village- Karai parasurai Paune
Chha Anna P.S. Karai Parsurai District- Nalanda Bihar Sharif.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lovekush Kumar
For the Opposite Party/s : Mr. Braj Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-01-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 28.10.2018 in a case registered for the offences punishable under Sections 341, 323, 504, 307, 379 and 506/34 of the I.P.C.

The prosecution case as per the written report of Yogendra Yadav submitted to the SHO, Karaiparsurai Police Station is to the effect that on 11.10.2018 at about 5 A.M. when the father of the informant, namely, Binda Gope was coming out of his house, the elder brother of the informant namely, Upendra Yadav (petitioner), armed with spade, co-accused Manju Devi armed with Khanti and Jitesh Kumar armed with lathi came and started abusing the informant's father and they surrounded him. It is



alleged that the petitioner assaulted with spade on the head of the father of the informant, as a result he fell down. When the wife of the informant came to rescue then she was also assaulted. It is further alleged that co-accused Manju Devi took out Rupees Fifty Thousand from the box of the informant. The reason of occurrence has been alleged to be the property dispute.

It is submitted by learned counsel for the petitioner that the informant is none else but the brother of the informant and in the background of land dispute, the accusation has been levelled. It is further submitted that though the informant's father was referred to PMCH for treatment but chargesheet has not been submitted under the non-bailable section. However, learned counsel for the petitioner submits that he has no instruction whether cognizance has been taken under the bailable section or not.

Considering the genesis of the occurrence being property dispute and it appears that the investigation has already been concluded, coupled with the period in custody, let the petitioner above named 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
the learned ACJM-I, Hilsa (Nalanda) in connection with
Karai Parasurai P.S. Case No.102 of 2018.

(Dinesh Kumar Singh, J)

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