

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32509 of 2019

Arising Out of PS. Case No.-55 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

Sushil Yadav, S/o Late Vidyapati Yadav, R/o village- Mahdah, P.S.- Buxar
(M), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate.
For the Informant	:	Ms. Kahkashan Alam, Advocate.
For the Opposite Party/s	:	Mr. Mukeshwar Dayal, APP.

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

ORAL ORDER

2 19-06-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 147, 148, 149, 447, 323 and 307 of the Indian Penal
Code.

The petitioner along with other accused persons
are said to have descended at the door of the informant armed
with lathi, danda and firearm and petitioner assaulted on the
temple of the informant by means of butt of the rifle and he also
assaulted on both legs of Chandrakant Pathak by means of
pistol.

It is submitted by learned counsel for the
petitioner that no such occurrence as alleged ever took place.
Petitioner has no concern with the aforesaid occurrence. There



was free fight between the parties and there is case and counter case between them and Title suit between them has been fought up to the Hon'ble Apex Court. Informant is not certain regarding the weapon used by the petitioner as at one place petitioner is said to have assaulted by means of rifle while at another place by means of pistol. The injury on the face of the informant attributed to the petitioner is simple in nature. Though petitioner is said to have assaulted on both the legs of Chandrakant Pathak by means of pistol but doctor has found the injury on the right thigh of Chandrakant Pathak inflicted not by firearm rather by hard and blunt substance which goes to rule out the prosecution case and the allegation levelled against the petitioner. It is further submitted that aforesaid two injuries have been found by the doctor as simple in nature and it is not on the vital part of the person. Petitioner has been languishing in custody since 25.09.2018. Earlier bail petition of the petitioner was rejected vide order dated 13.02.2019 with liberty to renew the same after three months, hence he may be enlarged on bail.

On the other hand, learned APP for the State opposed the bail petition.

Considering the facts and circumstances of the case and period of custody, 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 Chief Judicial Magistrate, Buxar in connection with Buxar Mufassil P.S. Case No. 55 of 2018.

(Prakash Chandra Jaiswal, J)

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