

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40517 of 2019

Arising Out of PS. Case No.-124 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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1. Kapildeo Yadav, Son of Late Kesho Yadav Resident of Village - Kathruna,
P.S.- Nagar, District - Aurangabad
 2. Alakhdeo Yadav Son of Late Kesho Yadav Resident of Village - Kathruna,
P.S.- Nagar, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Singh

For the Opposite Party/s : Mr.Jagdhara Prasad

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-07-2019 Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner No.2, namely, Alakhdeo Yadav as he has already been apprehended by the Police.

In view of the above, the application filed on behalf of the petitioner No.2, namely, Alakhdeo Yadav is dismissed as withdrawn.

Heard learned counsel for the petitioner No.1 and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Nagar P.S. Case no. 124 of 2019, registered under Sections 147, 148, 149, 341, 323, 324 and 307 of the Indian



Penal Code and Section 27 of the Arms Act.

The accusation is that 43 persons named in the F.I.R., including the petitioners, along with 15-20 unknown having sword, Garansa and gun surrounded the informant Anuj Kumar Singh and his brother in law, namely, Amrendra Singh. At that time, Satyadeo Yadav and Satendra Yadav caused injury at the head of Amrendra Singh and petitioners caused injury at the head of informant through Garansa as a result thereof informant became unconscious.

Learned counsel appearing on behalf of petitioner No.1 submits that while allegation has been made against Satyadeo Yadav and Satendra Yadav to cause injury at the head of Amrendra Singh and petitioner No.1 and Alakhdeo Yadav caused sword injury to the informant, but the injuries as found on the person of informant are simple in nature. Further submission is that the occurrence of Marpit took place due to land dispute in which petitioner's side also sustained injuries regarding which Aurangabad P.S. Case No. 119 of 2019, under Sections 147, 148, 149, 341, 336, 427 and 307 of the Indian Penal Code and Section 27 of the Arms Act was instituted on the basis of fardbeyan of co-accused Dinesh Yadav against the informant and others of the present case. The petitioner No.1



has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner No.1 Kapildeo Yadav, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four 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 Chief Judicial Magistrate, Aurangabad in connection with Aurangabad (Town) P.S. Case No. 124 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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