

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52839 of 2019

Arising Out of PS. Case No.-164 Year-2018 Thana- DHARHARA District- Munger

1. SANTOSH YADAV S/o Umesh Yadav R/o Village/Mohalla- Naya Tola (Matadih), P.S.- Dharhara, District- Munger
2. Umesh Yadav S/o Late Kishun Yadav R/o Village/Mohalla- Naya Tola (Matadih), P.S.- Dharhara, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 23-08-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dharhara P.S. Case No.164 of 2018/G.R. No.1954 of 2018 registered under Sections 341, 323, 307, 504, 447 and 506/34 of the Indian Penal Code.

The accusation is that six persons, named in the F.I.R., including the petitioners came at the house of the informant and started to abuse. When the informant made protest, then the petitioner no.1 caused injury at the head of Pappu, the son of the informant, through axe, due to which he fell down. Thereafter, the petitioner no.2 caused injury at the head and also caused



fracture injury at the hand of another son of the informant through iron rod. Others also assaulted them through stones and bricks.

Learned counsel for the petitioners submits that due to land dispute, the occurrence of “Maar-Peet” took place in between the parties in which the petitioners’ side also sustained injury regarding which on the basis of the fardbeyan of the petitioner no.2, Dharhara P.S. Case No.161 of 2018 was also instituted against the prosecution party. Further submission is that the injuries, as found on the persons of Pappu Yadav and Sambhoo Yadav, both sons of the informant, are simple in nature except the injury no.2 of Shambhoo Yadav, which is fractured injury on elbow and is grievous in nature, and the same is attributed to the petitioner no.2.

Having considered the facts and the circumstances of the case, let the petitioner no.1, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-I, Munger, in connection with Dharhara P.S. Case No.164 of 2018, subject to the conditions laid down under



Section 438(2) Cr.P.C.

So far as the petitioner no.2, namely, Umesh Yadav, is concerned, considering the nature of allegation against him, I am not inclined to grant the privilege of pre-arrest bail to him. Accordingly, the prayer of the petitioner no.2, namely, Umesh Yadav, for grant of privilege of pre-arrest bail stands rejected. However, the petitioner no.2, namely, Umesh Yadav, is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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