

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53152 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- GAMAHARIYA District- Madhepura

SURESH YADAV Son of Satto Yadav Resident of Village - Kamalpur, P.S.-
Ghailadih, Distt - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 08-11-2019 This application, for grant of anticipatory bail, arises out of Gamhariya P.S. Case No. 39 of 2018, disclosing offences under Sections 341, 323, 325, 307, 302, 504, 506/34 of the Indian Penal Code.

Allegation as per F.I.R. is that petitioner and others came and assaulted the informant and others and specific allegation against the petitioner that he assaulted the informant by means of farsa causing injury in his right hand and on hulla his brother Mahendra Yadav and his sons came for rescue but the accused persons also assaulted them. It has also been alleged that all the injured were referred to Primary Health Center Gamharia but the doctor seeing the serious condition of Mahendra Yadav referred him to Darbhanga hospital but in the way he died.

Submission of learned counsel for the petitioner is



that he has falsely been implicated in this case and there is no allegation against him of assaulting the deceased and furthermore, the police after investigation has submitted final form against the petitioner and other two persons, however, learned Magistrate has taken cognizance against the petitioner. It has also been submitted that similarly situated co-accused of this case have already been granted the privilege of anticipatory bail by a coordinate Bench of this Court.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case, 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. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -1st Class, Madhepura, in connection with Gamhariya P.S. Case No. 39 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

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