

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70882 of 2018

Arising out of PS. Case No.-105 Year-2018 Thana- RASULPUR District- Saran

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1. Rupesh Yadav and Anr S/o Kanhaiya Yadav
 2. Vishwanath Yadav S/o Parshuram Yadav Both R/o Village-Ashahani,P.S. Rasulpur,Distt.-Chapra Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vindhya Keshari Kumar, Sr. Advocate
Mr. Dhananjay Mishra
Mr. Ravi Shankar Pathak

For the Respondent/s : Smt. Asha Devi

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Rasulpur P.S. Case No. 105 of 2018 registered for the offence punishable under Sections 341, 323, 324, 307, 504, 506, 447/34 of the Indian Penal Code.

On account of altercation having taken place between the prosecution side and the accused persons, injuries were caused to both the sides. However, as far as the present FIR is concerned, the petitioner no. 1 is said to have assaulted Kishun Yadav and his son, namely, Subhash Yadav resulting in grievous injury to the said Subhash Yadav as has also been recorded in the impugned order passed by the learned A.D.J.-VI, Saran.

The learned senior counsel appearing for the petitioners has submitted that the present case arises out of case and counter case and the petitioners are having clean antecedent.



It is further submitted that though it is true that some injuries inflicted upon Subhash Yadav is attributable to the petitioner no. 1, however, there is no allegation of any specific overt act as far as the petitioner no. 2 is concerned. The petitioners are stated to be languishing in custody since 19.08.2018.

Having regard to the facts and circumstances of the case, the petitioner no. 2, namely, Vishwanath Yadav, is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, Chapra in connection with Rasulpur P.S. Case No. 105 of 2018.

At this juncture, the learned senior counsel submits that the prayer for bail of the petitioner no. 1, namely, Rupesh Yadav is not being pressed at the moment and he be granted liberty to renew his prayer for bail after six months.

Accordingly, the present petition qua the petitioner no. 1, is dismissed as withdrawn with liberty to renew his prayer for bail after six months.

(Mohit Kumar Shah, J)

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