

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16158 of 2020

Arising Out of PS. Case No.-125 Year-2019 Thana- KHIJARSARAI District- Gaya

Bhimsen Yadav Son of Late Ram Kishun Yadav Resident of Village - Khaira,
P.S.- Khizersarai, District - Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kumar Sinha
For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 24-07-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner apprehends his arrest in Khizersarai
P.S. Case No. 125 of 2019 registered for the offence under
Sections 341, 323, 307, 34 of the Indian Penal Code.

The prosecution case, in brief, is that on 19-05-2019
at about 9:00 PM, this petitioner alongwith other co-accused
came to the house of informant and started assaulting
informant's side by means of *lathi*, *danda* and iron rod, as a
result of which, informant's father and *devar* of informant's
sister sustained injury.

It is submitted on behalf of petitioner that there is case
and counter case between the parties. Petitioner and informant
are next door neighbour. In fact, some scuffle had taken place
between the parties over firing of crackers. There is no specific
allegation of assault against petitioner. It is further submitted



that a case has also been lodged by brother of petitioner, vide Khizersarai P.S. Case No. 126 of 2019, against accused persons including informant. It is further submitted that injury on the person of Umesh Yadav (father of informant) has been found to be simple in nature. So far as injury on the person of Dharmendra Kumar is concerned, same has been reserved by the doctor. Petitioner has clean antecedent.

Considering the aforesaid facts & circumstances as well as the fact that there is case and counter case, the anticipatory bail application is allowed.

In the event of arrest or surrender within a period of eight weeks from the date of receipt/production of copy of this order, let the above-named petitioner be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate IVth, Gaya in connection with Khizersarai P.S. Case No. 125 of 2019, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Singh, J.)

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