

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70977 of 2019

Arising Out of PS. Case No.-166 Year-2019 Thana- MAIRWAN District- Siwan

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1. UPENDRA YADAV S/o Kamaldeo Yadav @ Kamaldeo Choudhary
 2. Asha Devi w/o Upendra Yadav
Both Resident of Village- Imlauli, P.S.- Mairwa, District- Siwan.
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

4 10-07-2020 Heard learned counsel appearing for petitioners as well as learned Additional Public Prosecutor appearing for State through video conferencing.

Petitioners apprehend their arrest in connection with Mairwa P.S. Case No.166/2019 registered for the offences punishable under Sections 341,323,325,307/34 of the IPC.

Petitioners and other FIR named accused are said to have assaulted the informant as well as his brother Dilip Yadav by means of danda and iron rod. The informant appears to have sustained only one injury on his forehead, however the aforesaid injury was found simple in nature. So far as other injured Dilip Yadav is concerned he appears to have sustained altogether three injuries, out of them injury no.2 which was on his left wrist was found grievous in nature. The perusal of entire case diary goes to show that the investigating officer failed to record the statement of injured Dilip Yadav and, therefore, there is nothing on the record to show as to who caused injury to Dilip Yadav.



Learned counsel appearing for petitioners submit that petitioners are agnates and, as a matter of fact, after three days of the alleged occurrence, the present case was lodged on account of previous dispute. However, the parties have already compromised this case but unfortunately the aforesaid facts could not be brought on record.

Admittedly, except section 325 and 307 of the IPC almost all the sections are bailable in nature. Therefore, considering the aforesaid facts and circumstances of the case as well as submission of the parties, let petitioner, in the event of his arrest/surrender within six weeks from the date of receipt of this order to the Court concerned, shall be released on bail on furnishing bail bonds of Rs.10,000/-(ten thousand) within two sureties of the like amount each to the satisfaction of learned A.C.J.M, VIIth, Siwan or his successor in connection with Mairwa P.S. Case No.166/2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

Prakash Narayan /-

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