

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15299 of 2021

Arising Out of PS. Case No.-24 Year-2020 Thana- DHIBRA District- Aurangabad

1. SANJAY YADAV Son of Late Keshav Yadav Resident of Village- Kevalha, P.S.- Dhibra, District- Aurangabad.
2. Vijay Yadav Son of Late Keshav Yadav Resident of Village- Kevalha, P.S.- Dhibra, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Dilip Kr. No.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-07-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, office will place the matter before the Bench.

The petitioners seek bail in connection with Dhibra P.S. Case No.24 of 2020 registered for the offence punishable under Sections 341/ 323/ 326/ 307/ 504/ 506/ 34 of the Indian Penal Code.

The prosecution case in short is that on 07.10.2020, at night co-villagers of the informant came with tangi and attacked



his wife. It is alleged that the petitioner Sanjay Yadav assaulted on her head due to which blood began to ooze out and Vijay Yadav also assaulted her with tangi on head. They tried to assault the informant as well but due to assembling of others, they could not do so.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. No offence as alleged ever took place. They have been falsely implicated in this case due to enmity. There is general and omnibus allegation against the petitioners. The occurrence took place due to a quarrel where they were pushing and shoving each other and she herself fell down and sustained minor injuries. The injury report does not support the prosecution case of three injuries. The lacerated injury of only small laceration by hard and blunt substance completely falsifies the allegation that tangi had been used in the assault. Moreover, there is only one injury on the head whereas in the FIR both the petitioners are alleged to have given blows by tangi. The petitioners have no criminal antecedent and have been languishing in custody since 08.10.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, the



above named petitioners are directed to be enlarged 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 the learned Chief Judicial Magistrate, Aurangabad, in connection with Dhhibra P.S. Case No.24 of 2020.

(Anjani Kumar Sharan, J)

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