

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32753 of 2021

Arising Out of PS. Case No.-11 Year-2021 Thana- SHANKARPUR District- Madhepura

1. SANJAY KUMAR @ SANJAY YADAV Son of Jagdeesh Yadav @ Jagdish Prashad Yadav Resident of Village - Machhaha, Ward no.10, P.S.- Shankarpur, Distt.- Madhepura.
2. Dhruv Kumar @ Dhruv Yadav Son of Jagdeesh Yadav @ Jagdish Prashad Yadav Resident of Village - Machhaha, Ward No.10, P.S.- Shankarpur, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate
For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-11-2021 Heard learned counsel for the petitioners and learned
APP for the State.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of eight weeks.

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner No.2, as the petitioner No.2 has been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner No.2 is dismissed as withdrawn.

The petitioner No.1 is apprehending his arrest in



connection with Shankarpur P.S. case No.11 of 2021 registered under Sections 341, 323, 307, 354(B), 379, 504, 506, 34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioner No.1 assaulted the informant by means of dabiya, rod and knife, due to which he sustained injuries on his head. Thereafter co-accused Dhruv Yadav assaulted the informant by means of knife on his forehead.

It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.1. The petitioner No.1 has falsely been implicated in the present case. Specific allegation of assault is alleged against the co-accused Dhruv Yadav. It is a case and counter case between the parties. Free fight is alleged to have taken place. The injuries on the side of the accused persons have not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner No.1 is named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner No.1, above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Madhepura in connection with Shankarpur P.S. case No.11/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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