

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27936 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- TEKARI District- Gaya

UPENDRA KUMAR @ UPENDRA YADAV Son of Fekan Yadav Resident
of Village - Shiva Bigha, P.S.- Tekari, District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Baxi S.R.P. Sinha, Sr. Advocate

Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. A.M.P. Mehta, Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 05-02-2021 As prayed for, let the learned counsel appearing for
the petitioner remove the defect(s), as pointed out by the office
vide its notes dated 17.10.2020, within four weeks of starting of
Court proceeding in physical mode.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Tekari P.S. Case no. 41 of 2020, registered under Sections
323, 341, 324, 307, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 02.02.2020, at about 2.30
P.M., Suryadeo Yadav, father of informant Kamal Kumar, was
coming to house, in the way, due to dispute of passage, hot talk
started with his father then informant Kamal Kumar also



reached there and made protest. At that time, Upendra Yadav (Petitioner) came there and gave Farsa blow causing injury at the head of Rampati Devi, mother of informant, when informant rushed there then Anirudh Yadav, Anuj Yadav, Ramprit Yadav, Pintu Yadav and Jayanti Devi came near the house of informant and started pelting stones on the family members of the informant.

Learned counsel for the petitioner submits that, in fact, occurrence of Marpit took place due to passage in which both sides sustained injuries regarding which Tekari P.S. Case No. 42 of 2020 is also instituted on 02.02.2020 under Sections 323, 341, 307 and 504/34 of the Indian Penal Code on the basis of fardbeyan of Anirudh Singh, brother of petitioner. Moreso, while specific allegation has been made against the petitioner to give Farsa blow at the forehead of mother of informant, but only one injury was found on the head of Rampati Devi, which is lacerated in nature. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail



bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Tekari P.S. Case No. 41 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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