

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30527 of 2020

Arising Out of PS. Case No.-60 Year-2014 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. CHHATTU YADAV AND ANR S/o Hussaini Yadav R/o Village-Gulariyachak, P.S.-Magadh Medical College, District-Gaya.
 2. Pinku Kumar S/o Chattu Yadav R/o Village-Gulariyachak, P.S.-Magadh Medical College, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kail Yadav S/o Sri Sohan Yadav R/o Village-Gulariyachak, P.S.-Magadh Medical College, District-Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Yadav, Advocate
For the informant	:	Mr. Ujjawal Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-01-2021 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the complainant.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Complaint Case no. 60 of 2014 registered under sections 307 and 326 of the Indian Penal Code.

As per allegation in the complaint, it is stated that over a dispute relating to sewerage, the two petitioners herein along with others assaulted the complainant with a khanti.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the complaint are false and



incorrect. For an occurrence alleged to have taken place on 22.12.2013, the complaint was filed on 13.1.2014. Cognizance was taken in the year 2015 and bailable warrant of arrest was issued on 17.5.2019. It is submitted that no injury report or documents relating to treatment has been brought on record as part of the complaint. The other co-accused who are the wives of the two petitioners herein have been enlarged on bail. The petitioners have no criminal antecedent.

The application for bail is opposed by learned counsel for the State and learned counsel for the complainant. It is submitted by learned counsel for the complainant that not only the petitioners are named in the complaint but there is direct allegation against them of having brutally assaulted the complainant as a result of which he underwent treatment from 24.12.2013 to 30.12.2013. He had to undergo C.T scan and also an operation. It is further submitted that the petitioners have made wrong statement in the bail application with respect to their antecedents.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners together with the delay in lodging the of the complaint, the Court is inclined to enlarge the petitioners on



anticipatory bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Complaint Case no. 60 of 2014, they will be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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