

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39592 of 2020

Arising Out of PS. Case No.-57 Year-2020 Thana- FATEHPUR District- Gaya

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1. KAULESHWAR PD NIRALA S/o Buttu Yadav Resident of Village- Paharpur Tola Ganeshidih, P.S.- Fatehpur, District- Gaya.
 2. Sudhir Yadav S/o Buttu Yadav Resident of Village- Paharpur Tola Ganeshidih, P.S.- Fatehpur, District- Gaya.
 3. Vivek Kumar @ Vevak Kumar S/o Raju Yadav Resident of Village- Paharpur Tola Ganeshidih, P.S.- Fatehpur, District- Gaya.
 4. Deepak Kumar S/o Rajendra Yadav @ Raju Yadav Resident of Village- Paharpur Tola Ganeshidih, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Kumar Gupta, Advocate

For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-12-2021 Heard Mr. Dinesh Kumar Gupta, learned Advocate for the petitioners and Ms. Nirmala Kumari, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Fatehpur P.S. Case No. 57 of 2020 dated 17.04.2020 instituted for the offences under Sections 341, 323, 324, 308, 354, 379, 188, 504, 506 and 34 of the Indian Penal Code.

The accusation against the petitioners is of



having assaulted the victim by means of hard and blunt substance. From the genealogical table given in the bail petition, it appears that the petitioners and the informant are agnates. There is a counter version of the occurrence also in which many persons from the side of the petitioners have received injuries. There is no reference of the injury on the body of the accused persons, which makes the averment in the subject FIR highly doubtful.

Apart from this, it has been submitted that though one of the injuries on Umesh is stated to be grievous but it is not of such dimension that it could ever be treated as life threatening.

Regard being had to the fact that there was a dispute between the two sets of agnates and because of such dispute, the parties have fought amongst themselves with injuries on both sides, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of



receipt/production of a copy of this order, on their
furnishing bail bonds in the sum of Rs. 10,000/- (Ten
Thousand) each with two sureties of the like amount
each to the satisfaction of the learned Additional Chief
Judicial Magistrate X, Gaya in connection with Fatehpur
P.S. Case No. 57 of 2020, subject to the conditions as
laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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