

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32975 of 2020

Arising Out of PS. Case No.-40 Year-2020 Thana- GAUNAHA District- West Champaran

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1. Bindeshwari Yadav @ Bindeshwari Prasad Yadav @ Bindeshwari Prasad, aged about 48 years, male.
 2. Tarkeshwari Yadav @ Tarkeshwari Prasad Yadav, aged about 43 years, male.
Both S/o Kamsheri Yadav, R/o village- Belwa Bahuari, P.S.- Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Adv.
For the Informant	:	Mr. Dharmendra Kumar Sinha, Adv.
For the State	:	Mr. Ramchandra Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 03-03-2021 Mr. Bimlesh Kumar Pandey, learned Advocate for the petitioners seeks permission to withdraw this application with respect to petitioner No. 2/Tarkeshwari Yadav @ Tarkeshwari Prasad Yadav as he has been arrested.

Prayer is allowed.

The application with respect to petitioner No. 2 is



dismissed as withdrawn.

Heard the counsel for the parties.

The petitioner No. 1 seeks bail in anticipation of his arrest in connection with Gaunaha P.S. Case No. 40 of 2020, dated 16.03.2020, instituted for the offences under Sections 147, 447, 341, 323, 324, 307, 504 and 34 of the Indian Penal Code.

The petitioner No. 1 and one Tarkeshwari Yadav @ Tarkeshwari Prasad Yadav, who has been arrested, are alleged to have caught hold of the victim when he was assaulted. There is a counter version of the occurrence where one of the persons from the side of petitioner No. 1 has received several injuries. The petitioner No. 1 has not been attributed with any act of assault but only alleged to have caught hold of the victim of this case.

It has been submitted on behalf of petitioner No. 1 that there is a dispute amongst the stakeholders with respect to passage of land. There does not appear to be any substance in the accusation regarding invocation of Section 307 of the Indian Penal Code.



Regard being had to the facts afore-stated and that the petitioner No. 1 does not have criminal antecedents, this Court is inclined to grant him anticipatory bail

Petitioner No. 1/Bindeshwari Yadav @ Bindeshwari Prasad Yadav @ Bindeshwari Prasad, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 40 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

Praveen-II/-

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