

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1551 of 2021**

Arising Out of PS. Case No.-167 Year-2020 Thana- GHOSI District- Jehanabad

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1. DHANANJAY YADAV SON OF JOGESHWAR YADAV RESIDENT OF VILLAGE MANDAI P.S GHOSI OKARI DISTRICT JEHANABAD
 2. SANJU YADAV S/O JOGESHWAR YADAV RESIDENT OF VILLAGE MANDAI P.S GHOSI OKARI DISTRICT JEHANABAD
 3. PARTIMA YADAV W/O DHANANJAY YADAV RESIDENT OF VILLAGE MANDAI P.S GHOSI OKARI DISTRICT JEHANABAD
 4. RINA DEVI W/O SANJU YADAV RESIDENT OF VILLAGE MANDAI P.S GHOSI OKARI DISTRICT JEHANABAD

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh
For the Opposite Party/s : Mr. Satyadeo Singh Yadav

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

ORAL ORDER

2 31-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 02.02.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner No.1, namely, Dhananjay Yadav as he has already been apprehended by the Police.

In view of the above, the application filed on behalf of the petitioner No.1, namely, **Dhananjay Yadav** is dismissed as withdrawn.



Heard learned counsel for the petitioner Nos. 2, 3 and 4, namely, Sanju Yadav, Pratima Yadav and Rina Devi, respectively, and the learned A.P.P. for the State through video conferencing.

The petitioner Nos. 2, 3 and 4 apprehend their arrest in connection with Ghosi (Okari) P.S. Case no. 167 of 2020, registered under Sections 341, 323, 324, 307, 354, 379, 504 and 506/34 of the Indian Penal Code.

The accusation is that on 01.05.2020, in the morning, informant Amresh Prasad was engaged in construction work in his land, in the meantime, Dhananjay Yadav and Sanju Yadav (Petitioner No.2) came and asked to stop the construction work then informant replied them that the said land belongs to him and work will not be stopped. After sometimes, they returned, having armed with weapons, and started to cause assault. At that time, Dhananjay Yadav penetrated Bhala in the belly of Raj Kumar, son of informant, resulting he sustained grievous injury and fell down, Sanju Yadav (Petitioner No.2) caused twice injury through Garansa at the head of informant. When Ramrati Devi, wife of informant, rushed to save then Partima Yadav and Rina Devi (Petitioner Nos. 3 and 4) caught hold her hair and laid her on the ground and caused assault.



Learned counsel appearing for the petitioner Nos. 2, 3 and 4 submits that while it is alleged that petitioner Nos. 3 and 4, namely, Partima Yadav and Rina Devi caught hold hair of Ramrati Devi, wife of informant, and laid her on the ground and caused assault, but the injury found on the person of Ramrati Devi is simple in nature. Further submission is that while two incised wounds were found on the occipital region at head of informant, but opinion regarding nature of wound has been kept reserved, which is attributed against petitioner No.2 Sanju Yadav.

Having regard to the facts and circumstances of the case, let the petitioner Nos. 3 and 4, namely, Partima Yadav and Rina Devi be released on bail, in the event of their 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, Jehanabad in connection with Goshi (Okari) P.S. Case No. 167 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner No.2, namely, Sanju Yadav is concerned, considering facts and circumstances of the case and



the nature of allegation against him, I am not inclined to grant pre-arrest bail to the petitioner No.2, namely, Sanju Yadav. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner No.2 is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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