

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20285 of 2022

Arising Out of PS. Case No.-410 Year-2021 Thana- KHAIRA District- Jamui

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Dinesh Yadav Son of Duman Yadav R/O Village - Jhundo, P.S.- Khaira,
District - Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate.

For the Opposite Party/s : Mr.A.G., APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Khaira
P.S. Case No. 410 of 2021 registered for the offences under
Sections 147/149/323/341/324/307/354(A)/379/504 of Indian
Penal Code.

As per allegation on the alleged date and time of
occurrence the petitioner and other co-accused persons equipped
with Gandasa and Lathi came at the informant's house and
thereafter entered into the informant's house and after that the
petitioner and co-accused persons inflicted Gandasa and iron



rod blows on the informant and other co-accused persons also participated in the alleged occurrence.

The main submissions advanced by learned counsel for the petitioner are that there is case and counter case in between both the parties and petitioner himself is an injured in connection with the counter case lodged on behalf of the petitioner's side and there is no specific allegation against the petitioner, in fact the prosecution party wanted to grab the land of petitioner and attempted to plough over the petitioner's land which was protested by the petitioner's family then he and his family members were badly assaulted in respect of that incident Khaira Police Case No. 409 of 2021 was lodged. Further submission is that one co-accused namely Bishundev Yadav @ Bishun Yadav has been granted bail by the Court below and petitioner stands on similar footing with the said co-accused and both the parties are agnates.

Learned counsel appearing for the informant as well as learned APP for the State has opposed the bail prayer and submitted that against the petitioner there is serious and specific allegation and on account of the act of assault committed by this petitioner and co-accused persons two grievous injuries have been found on the body of the informant.



Heard both the sides and perused the FIR. The learned Court below's order shows that the informant sustained two grievous injuries and the FIR shows that petitioner actively participated in the alleged occurrence. Considering the nature of allegation appearing against the petitioner in the opinion of this Court the present petitioner does not deserve to the privilege of bail at this stage. Accordingly his bail prayer stands rejected.

Petitioner may renew his bail prayer, if so advised, after framing of charge in his case before the Court below. If he avails the said liberty then the learned Court below will decide his regular bail prayer without being prejudiced with present order according to merit.

(Shailendra Singh, J)

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