

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43281 of 2021

Arising Out of PS. Case No.-363 Year-2020 Thana- NOORSARAI District- Nalanda

Dharma Yadav @ Dharma Gope, Son of Sri Saryug Gope, Resident of
Village- Mandachh, P.S.- Noor Sarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ritesh Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner is apprehending his arrest in connection
with Noorsarai P.S. Case No. 363 of 2020 for the offences
punishable under Sections 341, 323, 324, 307, 379, 504, 506/34
of the Indian Penal Code.

As per prosecution case, it is alleged that on
04.11.2020 while the informant was sitting at his door, in the
meantime, all the F.I.R. named accused persons came and
started abusing and on protest the petitioner, who was armed
with sword, and others surrounded the informant and assaulted
him by means of sword causing head injury. It is also alleged



that when the informant's son came to save him, he was also assaulted.

At the outset, learned counsel for the petitioner submits at the bar, on instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioner that both the parties are agnates and there is a counter version of the present case, being Noorsarai P.S. case no. 364 of 2020, instituted by the wife of the petitioner. It is further submitted that from perusal of the impugned order it is evident that the injury, which is allegedly sustained on the person of the informant, has been found to be simple in nature. It is lastly submitted that the petitioner is having fair antecedent and he is ready to give undertaking that he will co-operate in the investigation and will not indulge in such type of crime in future.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation against this petitioner that he assaulted the informant by means of sword.

Having considered the submissions made on behalf of



the parties and taking into consideration the fact that both the parties are agnates and there are counter version of this case, apart from the nature of injuries, which have been found to be simple in nature and the fair antecedent of the petitioner, let the petitioner named above, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Noorsarai P.S. Case No. 363 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors shall be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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