

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48778 of 2021

Arising Out of PS. Case No.-141 Year-2020 Thana- BIHIA District- Bhojpur

SANTOSH YADAV Son of Bishun Yadav Resident of Village - Charghat, P.S.
- Gauro, O.P. - Bihiya (Bhojpur), District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sonu Kumar Yadav Son of Kanhaiya Yadav Resident of Village - Charghat, P.S. - Gauro, O.P. - Bihiya, District - Bhojpur.
3. Deepak Kumar Yadav @ Deepak Yadav Son of Kamlesh Yadav Resident of Village - Charghat, P.S. - Gauro, O.P. - Bihiya, District - Bhojpur.
4. Kanhaiya Yadav Son of Late Kishun Yadav Resident of Village - Charghat, P.S. - Gauro, O.P. - Bihiya, District - Bhojpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajendra Shastri, Advocate
For the Opposite Party/s	:	Mr. Dr.Mrityunjaya Kr.Gautam, APP
For the Informant	:	Mr. Amrendra Kumar, Advocate
		Mr. Sanjeev Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 06-04-2022 Heard Mr. Rajendra Shastri, learned counsel for the petitioner/informant and Mr. Amrendra Kumar for the opposite parties.

This application has been filed for cancellation of bail of the opposite parties on the ground of their having misrepresented about the injuries suffered by the victims being simple in nature.

A perusal of the order passed by this Court indicates that taking note of the background facts of enmity and the occurrence arising out of a trivial dispute, bail was granted.



However, while recording the order of bail, this Court had observed that petitioner no. 2 is specifically alleged to have assaulted the informant, who has undoubtedly received only simple injuries though he is stated to be a differently abled person.

So far as the other opposite parties are concerned, there is a general and omnibus allegation that all of them assaulted the other members of the prosecution party, who had come to the rescue of the informant. They have received one grievous injury each but they are not on the vital portion of the body and are in the nature of fracture of leg and hand.

Though such injuries are grievous but considering the background facts and lack of intention on the part of the opposite parties to cause any life threatening injury, I am not inclined to cancel their bail.

The prayer for cancellation of bail of opposite parties no. 2 to 4 is rejected.

(Ashutosh Kumar, J)

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