

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39788 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- UDAKISHUNGANJ District- Madhepura

1. Jay Prakash Yadav Son of Shri Yadav Resident of village- Badateni, ward No. 5 PS- Udakishunganj, district- Madhepura
2. Dharwendra Kumar @ Dharmendra Kumar Son of Jay Prakash Yadav Resident of village- Badateni, ward No. 5 PS- Udakishunganj, district- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 03-11-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with
Udakishunganj P.S. Case No. 60 of 2022 registered for the
offence under Sections 341, 354A, 324, 307, 379, 504, 506 and
34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and is
in custody since 12.03.2022.

The allegation against the petitioners is to assault
informant and family members along with other co-accused



persons while equipped with Farsa, lathi, rod, etc., in the background of long-standing disputes.

Learned counsel appearing on behalf of the petitioners submitted that the thrust of allegation to give assault on vital part of the body is available against co-accused persons, namely, Jitendra Kumar, Ashok Kumar and Karan Kumar, whereas allegation against both of the petitioners is to assault on the non-vital part of the body negating intention to cause death. It is further submitted that due to land disputes arises out of ancestral property, whole family including petitioners have been falsely implicated in this case. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as assault was caused on non-vital part of the body by both above named petitioners, negating intention to cause death coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Udakishunganj P.S. Case No. 60 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Udakishunganj, Madhepura/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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