

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69998 of 2021

Arising Out of PS. Case No.-10 Year-2020 Thana- BANDEYA District- Aurangabad

Dhanju Yadav, Son of Late Chanderbilash Yadav, Resident of Village - Buxar
Tola, Panchan Bigha, P.S.- Bandeya, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the State	:	Mrs. Leelawati Kumari, APP Mr. Udeshya Kumar Yadav, APP
For the Informant	:	Mr. Aman Vishal, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bandeya P.S. Case No. 10 of 2020 registered for the alleged offences under Sections 307, 341, 323 and 504 of the Indian Penal Code.

As per prosecution case, after some altercation, the petitioner assaulted his younger brother with bamboo stick on his head causing its fracture. The occurrence took place in the



background of some land dispute.

Learned Senior counsel appearing on behalf of the petitioner submits that from the F.I.R., it is clear that there was no premeditation and the occurrence took place in the heat of moment. There is only a single injury and there is no repetition of blow. The present case being outcome of a trivial matter of irrigation of land by a particular boring and in that heat of moment, hot exchange took place between brothers and the petitioner allegedly assaulted his younger brother but there was no intention to murder and hence no offence under Section 307 of the Indian Penal Code is made out. Charge sheet has been submitted in this case and the petitioner is in custody since 18.10.2021.

Learned APP for the State as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant submits that there is specific allegation against the petitioner that he hit on the head of the younger son of the informant with *lathi* and caused fracture of frontal bone.

Having regard to the facts and circumstances and rival submission and further considering the single blow of bamboo stick causing injury without any repetition and the period of



custody of the petitioner along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M, Daudnagar, District-Aurangabad in connection with Bandeya P.S. Case No. 10 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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