

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5586 of 2023

Arising Out of PS. Case No.-264 Year-2022 Thana- GOPALPUR District- Bhagalpur

DHARMENDRA YADAV Son of Late Chaturi Yadav Resident of Village -
Porhariya (Pokheriya), P.S.- Gopalpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-05-2023 List of these matters has been notified today for hearing.

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

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in Gopalpur P.S. Case No. 264
of 2022 instituted for the offence punishable under Sections
147, 149, 341, 323, 307, 337, 338 and 506 of the Indian Penal
Code.

On instigation of other family members, the petitioner has
allegedly assaulted the informant on his head by means of
'Kudal'.



Learned counsel for the petitioner submits that the informant and petitioner are brothers. From the FIR, it is evident that the genesis of the occurrence is demand for partition. The submission is of false implication and the injury whatsoever has been sustained in a scuffle between the parties over such trivial dispute. Having no criminal antecedent, the petitioner is in custody since 14-07-2022.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, period of custody as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Judicial Magistrate, Naugachia, District-Bhagalpur/Successor Court in connection with Gopalpur P.S. Case No. 264 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how



he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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