

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19383 of 2023

Arising Out of PS. Case No.-505 Year-2022 Thana- DEEPNAGAR District- Nalanda

1. Dharmendra Yadav Son of Late Kapil Yadav @ Late kapil gope R/O Village - Kako Bigha, P.S.- Deepnagar, District - Nalanda
2. Mahendra Yadav Son of Late Lashu Yadav @ Late Lakshu Yadav R/O Village - Kako Bigha, P.S.- Deepnagar, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP
For the informant	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioners seek bail in
connection with Deepnagar P.S. Case No. 505 of 2022
registered on 02.10.2022 for the alleged offences under Sections
147, 149, 323, 342, 307, 379, 504 and 506 of the Indian Penal
Code.

04. As per prosecution case, petitioners and other co-
accused persons, in the background of some dispute, became
violent and assaulted to father and other family members of the



informant with rod, *lathi* and *danda*, causing a number of injuries to them. Father of the informant suffered fracture of head and broken shoulder. The informant was also assaulted apart from his brother and uncle, who were seriously injured. Other co-accused persons resorted to brick-batting.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is case and counter case between the parties for the same occurrence and the petitioners' side has got registered Deepnagar P.S. Case No. 510 of 2022 against the informant's side for assault and causing injuries. The specific allegation of assault by iron rod is against the co-accused Karu Yadav on the father of the informant. There is general and omnibus allegation against the petitioner-Dharmendra Yadav with other co-accused persons for assaulting father, brother and uncle of the informant. The allegation against the petitioner-Mahendra Yadav is of snatching gold locket from the informant's brother, which is merely ornamental for making the case serious. The petitioners are in custody since 12.01.2023 and charge-sheet has been submitted. The petitioners have got no criminal history.

06. Learned APP for the State and learned counsel appearing on behalf of informant vehemently oppose the prayer



for bail of the petitioners. Learned counsel for the informant submits that the brother of the informant, namely, Ajeet Kumar suffered grievous injuries like fracture of head and brain injury and he still has not become normal.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the the fact that allegation against the petitioner No.1 is not specific and against petitioner No.2, the allegation is not so serious and further considering period of custody of the petitioners along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, Bihar Sharif in connection with Deepnagar P.S. Case No. 505 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners 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 petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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