

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20318 of 2022

Arising Out of PS. Case No.-282 Year-2021 Thana- DELHA District- Gaya

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DINESH YADAV @ JATHA SON OF SURESH YADAV R/O- VILLAGE-
CHOTKI NAWADA, SANJAY NAGAR, P.S.- DELHA, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 21819 of 2022

Arising Out of PS. Case No.-282 Year-2021 Thana- DELHA District- Gaya

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SURENDRA KUMAR @ BUTTA YADAV Son of Suresh Yadav Resident of
Village - Chotki Nawada, Sanjay Nagar, P.S.- Delha, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 20318 of 2022)

For the Petitioner/s : None

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

(In CRIMINAL MISCELLANEOUS No. 21819 of 2022)

For the Petitioner/s : None

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-01-2023 No one appears for the petitioners. Learned APP for
the State and learned counsel for the Informant are present.

The petitioners have preferred this application for
grant of regular bail in a case registered under sections 307,
341, 323, 325, 504, 506 and 34 of the Indian Penal Code and
section 27 of the Arms Act.



As per the prosecution case, it is stated by the informant that the five named accused persons including the petitioners Dinesh Yadav and Butta Yadav @ Surendra Kumar are said to have come variously armed. While Dinesh Yadav was carrying a pistol, he started to fire indiscriminately and assaulted the mother, sister and father of the informant seriously injuring them. It is further stated that all the accused persons also assaulted the informant and the members of his family.

On perusal of the contents of the petition, it transpires that the case of the petitioner Dinesh Yadav is that he has been falsely implicated in the case only to pressurize the informant of Delha P.S. Case no. 259 of 2021 which was lodged by the petitioner against the informant Banti Yadav son of Kapil Yadav and the members of his family. There is no specific allegation against the petitioner. Investigation in the case has been completed. The petitioner is in custody since 16.12.2021 and has no criminal antecedent.

The case of the petitioner Surendra Kumar @ Butta Yadav from the contents of the petition is that he is in custody since 10.12.2021 for no fault. He has been implicated only for the purpose to pressurize the informant of Delha P.S. Case no. 259 of 2021. There is no specific allegation against him nor any



incriminating article has been recovered from his possession. Charge sheet has been submitted in the case. He has no criminal antecedent.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that from the contents of the petition together with the material that has transpired in course of investigation it would transpire that as a result of the indiscriminate assault by the accused persons especially the two petitioners herein, grievous injuries were sustained by the informant and the members of his family.

Having heard learned counsel for the parties and taking into consideration the specific allegation against the petitioner Dinesh Yadav in the FIR together with the contents of the injury report, the Court is not inclined to enlarge the petitioner on bail and the application of Dinesh Yadav is rejected.

Liberty is granted to the petitioner Dinesh Yadav to renew his prayer for bail after six months.

In the facts and circumstances of the case, petitioner Surendra Kumar @ Butta Yadav is directed to be enlarged on bail in connection with Delha P.S Case no. 282 of 2021 on



furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with
two sureties of the like amount each to the satisfaction of the
learned Judicial Magistrate 1st Class, Gaya.

(Partha Sarthy, J)

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