

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36108 of 2023

Arising Out of PS. Case No.-307 Year-2020 Thana- KAMTAUL District- Darbhanga

Dinbandhu Yadav S/O Late Ram Avtar Yadav R/O Mohalla/Vill- Ahiyarigot,
P.S- Kamtaul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2023 Heard Mr. Kedar Jha, learned counsel appearing on
behalf of the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kamtaul P.S. Case No. 307 of 2020 registered for the offence punishable under Sections 147, 149, 341, 323, 324, 308, 379, 504 and 506 of the Indian Penal Code.

3. It is alleged that while the informant was going to market, in the meantime, all the accused persons including the petitioner surrounded the informant. It is specifically alleged that this petitioner assaulted the informant by means of sharp cutting weapons, causing head injury. The uncle of the informant was also assaulted by other accused persons by means of rod and *lathi*. The accused persons also snatched valuables from the informant.



4. Learned counsel appearing on behalf of the petitioner submits that there is a counter version of the present case being Kamtaul P.S. Case No. 306 of 2020 registered by the petitioner and in fact on account of prior enmity, a free fight has taken place between the persons of both the sides, resulting into injuries. He further drawn the attention of this Court to the impugned order which suggest that the injuries found over the head of the informant are only abrasion and that too appears to be simple in nature. He next submitted that considering the aforementioned facts, the police during the course of investigation issued notice under Section 41(A) of the Cr.P.C. to the petitioner, however, on being submitted final report under the aforementioned sections, the petitioner approached this Court. He next submitted that the petitioner undertakes that he will fully co-operate in the trail and will not indulge in intimidating with the witnesses and tampering the evidence.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that specific allegation has been levelled against the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of injury and the



case and counter case in the background of previous enmity, let the above named petitioner, be released on bail, in the event of his arrest of surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Darbhanga in connection with Kamtaul P.S. Case No. 307 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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