

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53876 of 2023

Arising Out of PS. Case No.-190 Year-2018 Thana- DHORAIYA District- Banka

Chandeshwari Yadav S/O Late Bikal Yadav R/O Village- Amjora, Ps.
Dhoraiya, Dist. Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party : Mr. Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Dhoraiya P.S. Case No. 190 of 2018 (G.R. No. 3100 of 2018)
dated 09.09.2018, instituted for the offence punishable under
Sections 341, 323, 307, 504 and 506 of the Indian Penal Code.

3. The prosecution case, in short, is that on
09.09.2018 at about 04:30 pm, the petitioner along with two
accused persons assaulted informant, his wife and his brother
due to land dispute.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. It is submitted that there is land dispute between the
parties for which a Title Suit bearing Title Suit No. 71 of 2015



has been filed, which is pending. It is further submitted that there is no specific overt act attributed against the petitioner. Further, it is submitted that the alleged injury of the Photo Devi over head is simple in nature as opined on the basis of examination of Radiological report of the Department of Radiology. Lastly, it has been submitted that the petitioner no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Dhoraiya P.S. Case No. 190 of 2018 (G.R. No. 3100 of 2018), he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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