

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60111 of 2023

Arising Out of PS. Case No.-211 Year-2023 Thana- MUFFASIL District- Aurangabad

Yogendra Yadav S/O Sheonath Yadav @ Sheonandan Yadav R/O Village-
Biseni, P.S- Aurangabad (Muffasil), Distt.- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Aurangabad (Muffasil) P.S. Case No. 211 of 2023 registered for the offences punishable under Sections 341, 323, 326, 379, 504, 506, 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 13.05.2023, on account of a petty issue of drainage of water, the petitioner entered into an altercation with the informant and started abusing him. It is alleged that while wife, son and daughter of this petitioner caught hold of the informant, the petitioner assaulted him with knife on his eye, thereafter, all the accused persons assaulted him with lathi/danda and brick.

4. Learned counsel for the petitioner submits that the



petitioner and the informant are full brothers and the dispute seems to have arisen on a petty matter of drainage of water. Learned counsel submits that even though the allegation is that the petitioner had assaulted by means of knife on the eye of the informant but the fact is that no injury on the eye of the informant has been noticed.

5. Learned counsel has placed before this Court a copy of the compromise petition said to have been filed by the parties in the learned court below in course of hearing of A.B.P. No. 1021 of 2023.

6. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that the petitioner had used a deadly weapon like knife and assaulted his brother on the vital part of the body, therefore, he does not deserve privilege of anticipatory bail.

7. Having regard to the facts and circumstances of the case, in the nature of the allegations against the petitioner showing that he had inflicted knife blow on the eye of his brother, this Court is not inclined to grant privilege of anticipatory bail to the petitioner but having said so, in view of the settlement said to have been arrived at between the parties who are full brothers, this Court would observe that in case the



petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today and his prayer for regular bail is supported by the informant, the court below shall hear the prayer for regular bail on the same day and shall pass an appropriate order thereon.

8. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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