

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71431 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- DAUDNAGAR District- Aurangabad

1. Ashok Yadav Son Of Malik Chand Yadav Resident Of Village - Arai, P.S.- Daudnagar, Police Station - Daudnagar, District - Aurangabad.
2. Manoj Yadav Son Of Malik Chand Yadav Resident Of Village - Arai, P.S.- Daudnagar, Police Station - Daudnagar, District - Aurangabad.
3. Sharda Devi Wife Of Manoj Yadav Resident Of Village - Arai, P.S.- Daudnagar, Police Station - Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Patel, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-04-2023 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

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

The accused/petitioner are named in the F.I.R. and apprehended their arrest in connection with Daudnagar P.S. Case No.157 of 2022 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 379 of the Indian Penal Code.

The allegation against the petitioners is to assault



informant and others alongwith co-accused persons/family members by means of *lathi*, rod causing head and bodily injuries having intention to cause their death, where dispute arises out of drainage issues.

Learned counsel appearing on behalf of the petitioner submitted that allegation as regard to assault is very much general and omnibus, where occurrence is alleged to be founded over drainage issues. It is submitted that petitioners are neighbours of informant. It is submitted that nature of injuries as alleged to be caused to the injured/informant is simple in nature and not sufficient to cause death in ordinary course of nature, negating thereof the intention to cause death. While concluding argument it is submitted that petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of allegation as regard to assault and also nature of injury, which appears simple in nature, accordingly the petitioner above named, in the event of their arrest or surrender before the Court below within a period of four weeks, be released on bail, furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Daudnagar/concerned Court below where the case is pending in connection with Daudnagar P.S. Case No.157 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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