

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79284 of 2023

Arising Out of PS. Case No.-105 Year-2020 Thana- PARAIYA District- Gaya

1. Upendra Kumar @ Upendra Yadav Son Of Shyamlal Yadav Resident Of Village - Solra, P.S. - Paraiya, District - Gaya
2. Shyamlal Yadav Son Of Late Sukhkdev Yadav Resident Of Village - Solra, P.S. - Paraiya, District - Gaya
3. Sanju Devi Wife Of Upendra Yadav Resident Of Village - Solra, P.S. - Paraiya, District - Gaya

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Adv.
For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-01-2024 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in a case in connection with Paraiya P.S. Case No. 105 of 2020 dated 13.05.2020 registered for the offences punishable u/ss 447, 341, 323, 308 and 354 read with section 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner no. 1 is uprooting the brick from the door of the informant, then the



informant wife objected, thereafter he started abusing her. When the informant came to rescue, he assaulted him with legs and fists. In the meantime, all the accused persons assaulted him with lathi due to that he sustained injury on his eye. When the informant's wife tried to rescue, the accused Sukan Lal Yadav and Sanju Devi assaulted her with legs and fists and the other accused, Yugal Kumar and Gautam Kumar also assaulted his parents.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Both parties are next door neighbour. There is case and counter case between the parties. As per impugned order, the injury is stated to be simple in nature. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the injury being simple in nature, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction



of learned court concerned, Gaya in connection with Paraiya
P.S. Case No. 105 of 2020, subject to conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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