

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3254 of 2015

Arising Out of PS.Case No. -491 Year- 2014 Thana -BARACHATTI District- GAYA

Amlesh Yadav, son of Denesh Yadaw

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh

For the Opposite Party/s : Mr. Suman Kri.Singh(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 23-01-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Originally, the case was registered under bailable
sections but subsequently, after three days of the alleged
occurrence Section 307 of the Indian Penal Code was also added.

It would appear from perusal of the first information
report that the allegation of assault has been levelled against the
petitioner and one Bindi Yadav but submission on behalf of the
petitioner is that injured sustained simple injury and no case under
Section 307 of the Indian Penal Code is made out.

It would appear from perusal of the impugned order
dated 22.12.2014 passed by learned Sessions Judge that the
learned Sessions Judge observed in his order that if the petitioner
surrenders before the court below and if the injury of injured of

this case is found simple in nature, the learned trial court shall pass order on regular bail petition of the petitioner in his favour.

In my view, petitioner should obey the order of learned Sessions Judge and surrender before the court below. However, it is made clear that the concerned court shall pass order on the regular bail petition of the petitioner in the light of order dated 22.12.2014 passed by learned Sessions Judge in A.B.P. No. 2225 of 2014 on the date of surrender of the petitioner itself, if the petitioner surrenders before the concerned court within four weeks from today.

Accordingly, this petition stands disposed of.

(Hemant Kumar Srivastava, J)

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