

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22408 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -NARPATGANJ District- ARRARIA

Binod Yadav, S/o Rami Yadav R/o Village Pratap Nagar P.S. Chhatapur,
District- Supaul

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. M.S. Khan, Advocate.
Mr. Chandra Bhushan Das, Advocate.
For the State : Mr. Pronati Singh (APP)
For the Informant : Mr. Kundan Kumar Singh, Advocate
Mr. Bishwajeet Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

2 24-05-2016 The learned counsel for the informant has appeared
and he is being heard.

The petitioner apprehends his arrest in relation to
Narpatganj P.S. Case No. 06 of 2016 registered under Sections
447, 341, 323, 324, 307 and 427/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that it is
not a case under Section 307 of the Indian Penal Code. Learned
counsel for the petitioner submits that six persons including the
petitioner vigorously armed with lathi, Kudali brutally assaulted
the informant with intent to kill. There was injury on the head as
well but to bring the offence under Section 307 of the Indian Penal
Code, intend to kill is to be proved not merely alleged. The facts

would show that had the six persons any intention to kill they had ample time and ample weapon to perpetuate offence they did not. There was no intervening circumstance.

Learned counsel for the informant submits that there was injury on the head by Kudali that itself is sufficient.

In my view, these are the matter of trial but prima facie, six people assaulting and causing simple injury is sufficient for the purposes of anticipatory bail to show that prima facie intent was lacking.

Be that as it may, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner namely Binod Yadav be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Araria in connection with Narpatganj P.S. Case No. 06 of 2016, subject to conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Navaniti Prasad Singh, J.)

Amit/Rajiv

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