

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40132 of 2016

Arising Out of PS.Case No. -188 Year- 2015 Thana -PAKARIBARAW District- NAWADA

1. Kaushal Yadav Son of Jagdish Yadav, Resident of Village- Chadhahari,
P.S.- Sheikhpura, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioner, learned A.P.P.
for the State.

The petitioner apprehends his arrest in connection with
Pakribarawan (Dhamaul) P.S.Case No. 188/2015 registered for
offences punishable under Sections 341, 323, 307, 380, 447 and
448/34 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case is that on 01.10.2015 at about 8.00
P.M. in the night the informant alongwith his family members was
taking food, in the meantime, the petitioner along with other
accused persons, namely, Laljeet Yadav and Vikash Kumar
armed with lathi, rod and sharp weapons came and attacked the
informant, due to which he sustained injury on his head and fell
down. Thereafter, they started assaulting him with lathi who

became unconscious and have also committed theft of 20 bhar silver, two bar gold and cash Rs. 5000/- from his house.

It has been submitted by the learned counsel for the petitioner that he is innocent, has no criminal antecedent as is evident from para-3 of this application. He submits that allegation being general and omnibus and the matter has been compromised between the parties. He further submits that no case under Section 307 of the I.P.C. is made out as injury has been found to be simple in nature.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since some of the co-accused, namely, Laljit Yadav and Vikash Kumar against whom similar allegations have been made have since been granted privilege of bail by the learned Court below and that the petitioner has no criminal history as is evident from para-3 of this application and the matter having been compromised, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned

Chief Judicial Magistrate, Nawada in connection with Pakribarawan (Dhamaul) P.S.Case No. 188/2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

However, it is made clear that the petitioner will co-operate with the investigation and would appear before the police/Court as and when required and on failure to appear on two consecutive dates without any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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