

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40133 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana -KAUAKOL District- NAWADA

1. Gendo Yadav @ Genda Yadav s/o Late Etwari Yadav, resident of Village / Mohalla- Madhurapur, P.S.- Kauwakole, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

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

The petitioner apprehends his arrest in connection with
Kauwakole P.S.Case No. 06/2016 registered for the offences
punishable under Sections 341, 323, 307 and 379/34 of the Indian
Penal Code.

The prosecution case as per the F.I.R. lodged by the
informant Bhuneshwar Yadav is that the petitioner and the
informant having agricultural lands side by side, on 07.12.2015 he
went to his field to uproot potato crops, and found that the
petitioner was destroying his crops. On objection petitioner
assaulted the informant with axe blow on the head with intention
to kill him but it hit on the arm thereafter he fell down on the

ground and accused Ramdhari Yadav assaulted with lathi and during scuffle the petitioner, Gendo Yadav @ Genda Yadav snatched Rs. 1000/- from the pocket of the informant. On alarm the villagers assembled, thereafter they fled away from the place of occurrence.

It has been submitted by the learned counsel for the petitioner that he is innocent and has no criminal antecedent, as is evident from para-3 of this application and no case Under Section 307 of the Indian Penal Code is made out as the injury on the informant is simple in nature and not in vital part of the body and that there is no repetition of blow. He submits that they are co-villagers and has been falsely implicated in the aforesaid case.

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 the petitioner has no criminal history as is evident from para-3 of this application and the injury has found to be simple in nature, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction

of the learned Additional Chief Judicial Magistrate- IV, Nawada
in connection with Kauwakole P.S.Case No. 06/2016, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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