

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78765 of 2019

Arising Out of PS. Case No.-697 Year-2019 Thana- MASAUDHI District- Patna

Gopal Yadav Son of Nakhida Yadav, Resident of Village - Salempur, P.S.-
Karauna, District – Jehanabad.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satish Chandra, Advocate

For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Masaurhi P.S. Case No. 697 of 2019
registered for the offences punishable under Sections 341, 323,
325, 379, 504, 506 and 354 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. It is further
submitted that all the sections are bailable in nature except Section
379 of the Indian Penal Code and in the facts of the case Section
379 IPC would not be attracted as also further submits that there is
no injury at all to the informant and she was not even examined by
any doctor and no injury report is available on the record.

Learned APP for the State has opposed the prayer for
anticipatory bail.

Considering the facts and circumstances of the case,



wherein it is the submission of learned counsel for the petitioner that all the sections are bailable in nature except Section 379 of the Indian Penal Code and in the facts of the case Section 379 IPC would not be attracted as also his further submission is that there is no injury at all to the informant and she was not even examined by any doctor and no injury report is available on the record,

Instead of granting anticipatory bail to the petitioner since the case diary is not available before this Court, this Court directs the court below that in case the petitioner surrenders and prays for regular bail within a period of four weeks from today, the court below shall examine the records and in case it is found that there is no injury report and the informant was not even sent for any medical examination and Investigation Officer has not submitted any such injury report so far, the prayer for regular bail of the petitioner shall be considered on the same day and will be disposed off considering the aforesaid submissions.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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