

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16300 of 2020**

Arising Out of PS. Case No.-240 Year-2019 Thana- AKBARPUR District- Nawada

PARTOSH KUMAR @ PARTOSH KUMAR YADAV S/o Rajendra Yadav @
Rajo Yadav R/o Village- Teyar Mahuli, P.S.- Akbarpur, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.

For the Opposite Party/s : Mr.Satya Nand Shukla, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 02-06-2020 Heard both sides through Video Conferencing.

The petitioner seeks bail in Akbarpur P.S. Case No.240 of 2019 registered under Sections 341, 323, 324, 325, 307, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that on 02.06.2019 while he was talking with his family members, the sole petitioner(Partosh Kumar), Rajesh Kumar, Dilip Yadav, Ranjit Kumar, Ankit Kumar, Sudhir Kumar, Sonu Kumar, Rajendra Yadav, Ganesh Yadav, Ramji Yadav, Shankar Yadav, Chander Yadav, Guddu Kumar, Pramod Yadav, Kallu Kumar and Anil Yadav were breaking the brick soling road coming towards the house of the informant. The informant and his nephew(Kamal Yadav) and his cousin(Indrajit Yadav) went there and requested the accused persons not to damage the road but the accused persons began to



abuse the informant. On protest, Partosh Kumar(the petitioner) assaulted the informant with iron rod on his face. The jaw of the informant was broken and five teeth were uprooted. Ankit Kumar assaulted the informant with lathi on his head. Thereafter, he assaulted the informant on his hand. The informant fell down on the ground. The accused persons also assaulted the brother and nephew of the informant.

The learned counsel for the petitioner submits that petitioner is alleged to have assaulted the informant with iron rod on his jaw. The injury found on the jaw of the informant is grievous in nature but there is no repetition of blow. Petitioner is in jail since 24.01.2020. At best, offence under Section 325 I.P.C. can be made out. No offence under Section 307 I.P.C. is made out.

Learned A.P.P. however, opposed the prayer for bail and submitted that grievous injury has been found on the jaw of the informant.

It appears that petitioner is alleged to have assaulted the informant with iron rod on his jaw but there is no repetition of blow and of course, the injury found on the jaw of the informant is grievous in nature but for that the petitioner remained in jail for more than four months and petitioner has



got no criminal antecedent. On account of land dispute, the occurrence took place.

Considering the facts aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate Ist, Nawada in connection with Akbarpur P.S. Case No.240 of 2019.

(Prabhat Kumar Jha, J)

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