

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25487 of 2020

Arising Out of PS. Case No.-466 Year-2019 Thana- HARNAUT District- Nalanda

Mukesh Kumar @ Mukesh Yadav, S/o Ganga Sagar Yadav, Resident of Village- Baraah, P.S. and P.O.- Harnaut (Kalyan Bigha), District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saket Anand, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 21-10-2020 In view of the submission and undertaking of the learned counsel for the petitioner, at the time of hearing of this application through Video Conferencing, that he would remove the defect(s), as pointed out by the stamp reporter, within two weeks of starting of the Court proceeding in physical mode, he is permitted to remove the same accordingly.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Harnaut (Kalyanbigha) P.S. Case No. 466 of 2019, registered under Sections 147, 149, 341, 342, 323, 325, 307, 354, 504 and 120(B) of the Indian Penal Code.

The accusation is that on 08.11.2019, at about 9



P.M., Santosh Kumar, son of the informant, Shanti Devi, was present at his door. At that time, due to dispute of partition of land, six persons named in the FIR including the petitioner came there armed with lathi, Danda and iron rod and started to cause assault to the female members of her family. On seeing, her son, Santosh Kumar, started to flee away but he was caught hold then he fell down on the ground. Thereafter, Kamlesh started to cause assault to her son through iron rod causing injury at his head.

Learned counsel for the petitioner submits that while petitioner is named in the FIR but no specific overt act has been attributed against him, in fact, there is specific allegation against co-accused, Kamlesh, to cause assault through iron rod at the head of Santosh Kumar, son of the informant. Further submission is that due to dispute of partition of land, informant has implicated the petitioner with his other family members with false allegation. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial
Magistrate, Nalanda, in connection with Harnaut (Kalyanbigha)
P.S. Case No. 466 of 2019, subject to the condition as laid down
under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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