

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77185 of 2019

Arising Out of PS. Case No.-225 Year-2019 Thana- PARWALPUR District- Nalanda

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GOPE YADAV, Son of Amirak Prasad, Resident of Village- Tara Bigha, P.O.-
Shankar Dih, P.S.- Parwalpur, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 379, 308,
504, 506, 34 of the Indian Penal Code.

The prosecution case as per the written report of Sarita
Devi submitted to the S.H.O., Parwalpur, Police Station is to the
effect that on 12.09.2019 at 6.00 A.M., the buffalo belonging to
the co-accused, Amirak Prasad grazed vegetable crops of the
informant. On protest being made, the petitioner and co-
accused, Amirak Prasad and Bakesh Yadav assaulted on the
head of the informant with lathi. It is also alleged that the



petitioner snatched a gold ear rings and a locket from the informant whereas co-accused, Bakesh Yadav took away cash amount of Rs.20,000/- from the house of the informant.

It is submitted by learned counsel for the petitioner that the accusation against the petitioner is giving only one blow on the head of the informant and the said injury has been found superficial, simple in nature. It is further submitted that in fact, in the background of dispute with regard to grazing of vegetable crops, the FIR has been registered against the petitioner. A statement has been made in paragraph no.3 of the petition that apart from the present case, the petitioner is accused in one other case, but in this case, he is on bail.

It is submitted by learned APP for the State that the accusation of assault is specific against the petitioner.

Considering the genesis of the occurrence, the injury being found superficial, simple in nature and there is no accusation of repetition of blow by the petitioner, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 ACJM, Hilsa, Nalanda, in



connection with Parwalpur P.S. Case No.225 of 2019, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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