

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35316 of 2020

Arising Out of PS. Case No.-50 Year-2020 Thana- RUPASPUR District- Patna

AJAY KUMAR YADAV @ AJAY KUMAR RAI Son of Late Gulab Rai
Resident of Village - L.I.C. Colony, in front of Shiv Mandir, P.S.- Rupaspur,
Distt.- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

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

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-06-2021 Heard both sides.

The petitioner apprehends his arrest in Rupaspur PS case No. 50/2020 registered under Section 341, 323,504, 506, 307,34 of the IPC.

The informant alleged that on 04.02.2020 when his son, Robin Kumar, returned to his house, Ajay Kumar Yadav, the petitioner, and his three sons caught him and assaulted the son of the informant. The son of informant got injury on his head. They also tried to kill his son by strangulating him. The mother of the informant raised alarm on such the informant came but the accused persons fled away.

The learned counsel for the petitioner submits that petitioner is innocent and he has, in fact, committed no offence. It is further submitted that informant got his son treated in a private hospital. The doctor Y. K. Sahay of Sahay Child Care and Immunization Center gave certificate that he treated a boy as the boy got injury on account of fall from bicycle. The injury was simple in nature. The I.O. did not collect injury report as it appears from paragraph 30 and 40 of the case diary. The injured



boy was also examined and he disclosed that the accused persons assaulted him with fists and slaps. Ajay Yadav was bearing Kara in his hand and he assaulted him with Kara causing blood oozing injury on his head. The injury is simple in nature and the petitioner deserves anticipatory bail.

The learned APP, however, opposed the prayer for anticipatory bail.

It appears that the informant himself disclosed that he got his son treated in a private hospital but he did not produce the injury report. The I.O. also did not produce the injury report of the doctor. The doctor reported that injury found on the boy was simple in nature. The injured boy also disclosed that petitioner was bearing Kara in his hand and the petitioner assaulted him with Kara.

Taking into consideration the facts aforesaid and the fact that injury is simple in nature, the petitioner, above named, in the event of his arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- II- Danapur, Patna in connection with Rupaspur P.S. case No. 50/2020, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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