

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39041 of 2020

**Arising out of P.S. Case No. 246, year- 2019, Thana- Dulhin Bazar
District Patna.**

Krishna Yadav, Male, aged about 50 years, S/O Vidya Yadav, R/O village-
Nawada P.S. Dulhin Bazar, District Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.

For the Opp. Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Chandra Bhushan Prasad, the learned APP appearing for the State.

The petitioner apprehends his arrest in connection with Dulhin Bazar P.S. Case No. 246 of 2019 for the offence



punishable under sections 307, 379, 504 and other allied sections of the Indian Penal Code.

The allegation is regarding the petitioner and other accused persons having assaulted the informant and her husband causing serious injuries on their person.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner and the co-accused person namely Vidya Yadav are alleged to have assaulted the informant on her head, however, the injury report annexed with the present bail petition by the petitioner would show that the injury is simple in nature. It is further submitted that on account of partition dispute, the said occurrence has taken place and the present case arises out of case and counter case. The Ld. Counsel for the petitioner submits that the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of anticipatory bail.

Per contra, the learned APP appearing for the State, Shri Chandra Bhushan Prasad, has vehemently opposed the prayer for

made by the petitioner.



Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties and taking into account the materials available on record this Court finds that though the petitioner is alleged to have assaulted the informant on her head, however, injury report suggests that the injury so inflicted upon the head of the informant is simple in nature and moreover the petitioner is having a clean antecedent, hence, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail, however subject to certain conditions.

Accordingly, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, the petitioner, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Danapur, District Patna, in connection with Dulhin Bazar P.S. Case No. 246 of 2019, subject to the conditions as laid down under section 438(2) of the Cr. P.C.

Considering the fact that the petitioner has assaulted the informant of this case, though the informant escaped with simple injury, I deem it fit and proper to direct the



petitioner to mark his attendance before the SHO of the concerned police station on every Monday of the week, till the framing of charge by the learned court in the connected case, and in the event of two consecutive defaults, the present privilege of anticipatory bail being extended to the petitioner herein shall stand revoked automatically.

(Mohit Kumar Shah, J)

Tiwary/-

