

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39932 of 2020

Arising Out of PS. Case No.-191 Year-2020 Thana- KRITYANAND NAGAR District-
Purnia

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RUPESH KUMAR @ RUPESH YADAV @ RUPESH KUMAR YADAV Son
of Yoganand Yadav @ Joganand Yadav Resident of Manjhi Tola, P.S.- K.
Nagar, Distt- Purnea.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Md Fazle Karim
For the Opposite Party/s : Mr. Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 19-07-2021 As prayed for, let the learned counsel appearing for

the petitioner remove the defect(s), as pointed out by the office

vide its notes dated 24.12.2020, within four weeks of starting of

Court proceeding in physical mode in normal course.

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 K. Nagar P.S. Case no. 191 of 2020, registered under
Sections 341, 323, 307, 354, 379, 504 and 506/34 of the Indian
Penal Code.

The accusation is that in the evening of
16.06.2020, wife of informant Mayanand Yadav, after cleaning
the door, was going to throw the garbage, at that time, five



persons named in the F.I.R., including the petitioner, variously armed with weapons, came near the wife of informant and started to abuse. When wife of informant made protest then all become annoyed and Yoganand Yadav started to cause assault to his wife. In the meantime, Rupresh Yadav (Petitioner) torn her sari. At that time, Yoganand Yadav came and gave Dabiya blow at the head of his wife in which she sustained grievous injury and others also started to cause assault. At that time, all entered in the house and took cash and ornaments from the box. At that time, Manisha Devi also snatched ornaments.

Learned counsel for the petitioner submits that while petitioner is named in the F.I.R., but no specific overt act has been attributed against the petitioner. The allegation of causing assault, through Dabiya to the wife of informant, is against Yoganand Yadav. Moreso, the injury as found on the person of wife of informant is simple in nature, which would appear from the order dated 10.09.2020 passed in ABP No. 555 of 2020 by which the prayer for pre-arrest bail of the petitioner was refused by learned Addl. Sessions Judge-III, Purnea. The 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 four 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 learned Chief Judicial Magistrate, Purnea in connection with K. Nagar P.S. Case No. 191 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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