

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1347 of 2021

Arising Out of PS. Case No.-171 Year-2020 Thana- PAKARIBARAW District- Nawada

KAILASH YADAV S/o Late Yadu Yadav Resident of Village - Budhouli, P.S.
- Pakribrawan, District - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. A. G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-09-2021 Heard learned counsel for the petitioner and the
State through virtual mode.

Learned counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in Pakribarawan P.S. Case No. 171 of 2020 registered for the offence under Sections 341, 323, 307, 302, 34 of the Indian Penal Code.

Allegedly, while the informant's husband was taking rest in his house, the accused persons came to the house and started abusing. On protest, the co-accused, Ajeet Yadav and Ranjeet Yadav are said to have given axe blows on the head of the informant's husband as a result of which, he sustained bleeding injuries. The other accused persons are also said to have



assaulted the informant's husband and others. The informant's husband succumbed to the injuries in course of the treatment.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. As per FIR, the specific allegation against co-accused, Ajeet Yadav and Ranjeet Yadav who are said to have assaulted the deceased with Tangi (axe). So far the petitioner and other co-accused are concerned, there is general and omnibus allegation against them. From perusal of postmortem report, it appears that there are only three external injuries caused to the deceased on his head. The said injuries are caused by co-accused, Ajeet Yadav and Ranjeet Yadav. It has further been submitted that allegation of assault in respect of the petitioner is not corroborated with the postmortem report. The petitioner has been made accused for oblique reasons.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of



twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Judicial Magistrate-Ist Class, Nawada in connection with Pakribarawan P.S. Case No. 171 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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