

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6228 of 2021**

Arising Out of PS. Case No.-138 Year-2020 Thana- WARISLIGANJ District- Nawada

SUDHIR YADAV Son of Rajendra Yadav Resident of Village- Dariyapur,
P.S.- Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 23-11-2021 Heard the learned counsel for the petitioner and Sri
Yogendra Kumar, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Warsaliganj PS case no. 138 of 2020 registered for the offences punishable under Sections 379, 354 and other allied sections of Indian Penal Code.

The allegation is regarding the accused persons including the petitioner having assaulted the informant. As far as the petitioner is concerned, he is stated to have assaulted the informant on his head by butt of a pistol, which he was carrying, resulting in simple injuries being inflicted on his head. The other accused persons are also stated to have assaulted the informant.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely



implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is alleged to have hit the informant by the butt of a pistol on his head but the injuries sustained by the informant have been found to be simple in nature and moreover, there was no intention on the part of the petitioner to inflict grievous injuries on the person of the informant, inasmuch as if he had so desired, he could have fired gun shots on the person of the informant by the pistol, he was carrying. It is further submitted that the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed upon the petitioner for grant of anticipatory bail to the petitioner.

Per contra, the learned APP for the State has vehemently opposed the prayer of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that the injuries inflicted upon the informant which is attributable to the petitioner, has been found to be simple in nature, hence benefit of doubt can be granted to the petitioner for the purposes of grant of anticipatory bail, however subject to certain conditions. Accordingly, the



abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IInd, Nawada in connection with Warisaliganj PS case no. 138 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

This Court further finds that it would be just and proper as also in the interest of justice to direct the petitioner herein to appear before the Officer-in-charge of the concerned police station on each and every Monday of the week at 10.00 AM and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the present privilege of anticipatory bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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