

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7050 of 2021

Arising Out of PS. Case No.-141 Year-2020 Thana- MANSI District- Khagaria

Prasadi Yadav Son Of Late Jagdish Yadav @ Jageshwar Yadav Resident Of
Village Saidpur Ps Mansi District Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-11-2021 Learned counsel for the petitioner undertakes to
remove all the defects pointed out by the Stamp Reporter within
four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Mansi P.S. Case No. 141 of 2020
registered for the offences punishable under Sections 341, 323,
307, 504, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
informant in his fardbyan alleged that while the petitioner and
two others were indulged in abuse and assault to his brother, he
intervened then Sipin Yadav and Prasadi Yadav caught hold of
the informant and Bipin Yadav gave a spade blow on the head of
the informant which caused injury on his nose and became



unconscious.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is a case and counter case between the parties with regard to the alleged occurrence. As per the allegation, the petitioner was allegedly catching hold of the informant and no overt act of causing assault has been alleged against him. It is further submitted that the injury was not on the vital part of the body and the nature of the injury has been found simple in nature.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case that there is a case and counter case between the parties with regard to the alleged occurrence, the allegation against the petitioner is that of catching hold of one of the hands of the injured, there being no allegation of commission of any overt act against him and further that a specific statement has been made in paragraph '11' of the petition that the petitioner is 75 years old, this Court directs that the petitioner in the event of his arrest or surrender within four weeks from today be released on bail on furnishing of bail bond of Rs.25,000/- (Rupees



Twenty Five Thousand/-) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Mansi P.S. Case No. 141 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

