

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38688 of 2021**

Arising Out of PS. Case No.-489 Year-2020 Thana- GHOSI District- Jehanabad

Yashwant Kumar S/o Late Ram Saran Singh R/o village- Narayanpur, P.S.-
Ghoshi, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Prakash

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 15-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner apprehends his arrest in connection
with Ghoshi P.S. Case No. 489 of 2020 registered for the
offence under Sections 341, 323, 308, 504 and 34 of the Indian
Penal Code.

The accused/petitioner is named in the F.I.R.

The allegation against the petitioner is to assault the
son of the informant with spade causing head injury.

Learned counsel appearing on behalf of the petitioner
submitted that the occurrence is founded over trivial issues
relating to agricultural field between the parties. It has further



been submitted that for the same set of occurrence, case and counter case has been lodged and petitioner received more serious injuries in the occurrence. It has further been submitted that, as per the injury report, the nature of wound is lacerated which contradict the nature of weapon alleged to cause the injury and moreover only single assault has been made without having any intervening circumstances. While concluding the argument, it has also been submitted that the nature of injury is simple and from the fact, it cannot be gathered that petitioner, who is a man of clean antecedent, is having intention for culpable homicide.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that the nature of injury caused by the petitioner is simple in nature.

Considering the facts and circumstances as mentioned above, as the assault made is not repeated, negating the intention to kill coupled with the fact that injury found is simple in nature, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with Ghoshi P.S. Case No. 489 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

“(i) Accused/Petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner, duly supported by the documents.

(ii) That one of the bailors shall be Surendra Kumar Sinha, who is the cousin son-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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