

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62308 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- SIRDALA District- Nawada

KAUSHAL KUMAR, aged about 18 years (Male), Son of Sukhdeo Yadav,
Resident of Village - Bahadurpur, P.S.- Sirdalla, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar Verma, Advocate
For the Opposite Party : Mr. Jharkhandi Upadhyay, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-04-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner is apprehending his arrest in connection
with Sirdala P.S. Case No. 53/2021 for the offence registered
under Sections 341, 323, 308, 504, 506 and 354/34 of the I.P.C.

The prosecution story, in brief, is that on 10.02.2021
at about 6.00 A.M., in the morning, when the informant went to
give meal to his animal then he found that *Newari* was not
available there. When he asked about it, then his elder brother,
namely, Sukhdeo Yadav, Kaushal Kumar and Rukmini Devi
came and started abusing and said that *Newari* was given by



them to their Buffalo. Thereafter, co-accused Sukhdeo Yadav assaulted with an *Iron rod* on the right hand of his father and when the wife of the informant came to save him she was also assaulted by them.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Nature of injury is said to be simple. Hence, no offence under Section 307 of the I.P.C. is made out in the present case. The alleged occurrence is said to have taken place due to partition of the property in the family.

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

Considering the aforesaid facts and circumstances of the case, let 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 furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Additional Chief Judicial Magistrate-Ist, Nawada, in connection with Sirdalla P.S. Case No. 53/2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

U		T	
---	--	---	--

