

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9353 of 2021

Arising Out of PS. Case No.-170 Year-2020 Thana- KAKO District- Jehanabad

Gyanendra Kumar, aged about 19 years, Male, S/O- Ashok Sharma, Resident
Of Village-Bhelawar, P.S.- Kako Bhelawar O.P., District Jehanabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 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.

Further, learned counsel for the petitioner is permitted
to make necessary correction in the prayer portion of the present
bail application, in course of the day.

The petitioner is apprehending his arrest in
connection with Kako P.S. Case No. 170 of 2020 for the offence
registered under Sections 341, 323, 307, 379, 504 and 506/34 of
the I.P.C.

The prosecution story, in brief, is that on 18.08.2020
at about 17.15 P.M., when the informant was feeding to his cow,



in the meantime, Gyanendra Kumar (petitioner) equipped with Iron rod came there and entered into his courtyard and attacked by using indecent language. The petitioner and others took away jewellery from his house and during the course of attack, assault was made on his head by *Sariya* and *Danda* and Gyanendra Kumar (petitioner) outraged the modesty of the informant's wife. Gyanendra Kumar (petitioner) threatened to shoot the informant if he would sought help of Administration.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. 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. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the side of accused persons has not been explained by the prosecution. The prosecution has not come with clean hands.

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 A.C.J.M.-Ist, Jehanabad, in connection with Kako P.S. Case No. 170 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

U.K./-

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

