

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13944 of 2023

Arising Out of PS. Case No.-118 Year-2022 Thana- CHHATAPUR District- Supaul

GAUTAM KUMAR YADAV S/O LATE BHIM YADAV RESIDENT OF
VILLAGE- CHAKLA WARD NO- 01 POLICE STATION CHHATAPUR,
DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore APP, 100

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-05-2023 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Chhatapur P.S. Case No. 118 of 2022 registered for the offences punishable under Sections 341, 323, 324, 307, 379, 504, 506/34 of the Indian Penal Code.

The case of the prosecution in brief according to the informant is that on 22.03.2022 at about 4:00 p.m., while he was irrigating the maize crop of one Jainan Yadav, by his motor, the petitioner had arrived there at about 6:00 p.m. and told him that the delivery pipe and wire of the informant has been stolen which he can recover and had then asked the informant to give him Raj Niwas, but the



informant told him that he has got no money, whereafter the petitioner went away. The informant had then installed the motor at about 9:00 p.m. at the field of one Arun Yadav and had sat at the door of the house of one Bodhi Yadav, at a distance of about 40 ft., whereupon at about 10:00 P.M. he heard noise of slippers, whereafter, he ran towards the place where the motor was installed and saw the petitioner running away with the motor. The informant had then raised an alarm resulting in the villagers arriving there, whereupon the petitioner had thrown the motor there and fled away, whereafter the informant had gone to his home, however, the petitioner had arrived there, abused the informant and hit him by bamboo stick on his left shoulder as also his mother on her left hand resulting in them being injured. It is also alleged that on 07.04.2022 at about 3:00 P.M., when the father of the informant was returning from the market after purchasing Kirana/grocery articles for his shop, he was intercepted by the petitioner, whereafter he and his mother had abused and assaulted the father of the informant, snatched the grocery articles and also



taken out a sum of Rs. 15,000/- from the pocket of the father of the informant. As far as the petitioner is concerned, he is alleged to have assaulted the father of the informant by a sharp cutting Dabia resulting in him being inflicted with a cut injury on his head.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted, by referring to the supplementary injury report of the injured Surendra Das i.e. the father of the informant that though the opinion regarding nature of injury, has been reserved by the doctor, however, it has been stated therein that the cause of injury is hard and blunt substance, which does not corroborate with the allegation levelled against the petitioner herein, hence the petitioner is not having any complicity in the alleged occurrence, thus be granted the privilege of bail.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of



anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that though the petitioner has been alleged to have assaulted the father of the informant with a sharp cutting weapon i.e. Dabia, however the injuries sustained by him have been found to have been caused by a hard and blunt substance, which prima facie creates a doubt about the veracity of the allegations levelled against the petitioner, apart from the fact that the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner herein to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class,



Supaul in connection with Chhatapur P.S. Case No. 118 of 2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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