

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31788 of 2023

Arising Out of PS. Case No.-711 Year-2022 Thana- HARNAUT District- Nalanda

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BINAY KUMAR @ BINAY YADAV son of Vinod Yadav Village- Umarchak,
Po- Gokhualpur Ps- Harnaut Gokhulpur Dist- Nalanda at Bihar Sharif

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Mr.Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Harnaut P.S. (Gokhulpur O.P.) Case No. 711 of 2022 registered for the offences punishable under Sections 147, 341, 323, 307, 354, 379, 504 and 506 of the Indian Penal Code.

As per prosecution case, petitioner assaulted the informant's husband by means of iron rod due to which he sustained injury and blood started oozing out.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. Learned counsel further submits that prior to the present case F.I.R. bearing Harnaut P.S.



Case No. 706 of 2022 has been lodged by petitioner's mother against the family member of the informant of the present case and after two days of lodging of Harnaut P.S. Case No. 706 of 2022 the informant of the present case has lodged the present case against the petitioner and his family members. This indicates that the present case is nothing but counter blast of Harnaut P.S. Case No. 706 of 2022 and where there is a case and counter case facts are generally exaggerated and free fight cannot be ignored. There is only allegation against the petitioner that petitioner has assaulted Sakal Yadav on his head which is nothing but super-addition. Injury against Sakal Yadav is simple in nature. Petitioner also sustained three injuries which are grievous in nature as mentioned in para 9 of the bail petition. Learned counsel further submits that petitioner is a student and he is engaged in preparation of different competitive examination as mentioned in para 11 of the bail petition.

The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner



above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Harnaut (Gokhulpur O.P.) P.S. Case No. 711 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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