

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60742 of 2023

Arising Out of PS. Case No.-128 Year-2022 Thana- PANJWARA District- Banka

Mukesh Yadav S/O Rajesh Yadav R/O Village- Ramkol, P.S- Punjwara, Distt.- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Panjwara P.S. Case No. 128 of 2022 registered for the offences punishable under Sections 341, 323, 504, 307, 379, 506 and 34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 02.11.2022 while the informant was going to plough his land by tractor, the accused persons including the petitioner obstructed his way. On protest, this petitioner assaulted on informant's head by butt of gun causing injury and also took away Rs. 5,000/- and mobile from his pocket and when the informant's daughter and nephew came for his rescue, they were also assaulted.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the allegations are general and omnibus in nature and though it is alleged in the FIR that the petitioner assaulted the informant by butt of gun on head but the injury report shows a simple injury caused to the informant by hard and blunt object.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the allegation against the petitioner is that he had assaulted on the head of the informant by means of butt of the gun, however, learned counsel submits that from the injury report (Annexure '2') it would appear that the informant has sustained a simple injury allegedly caused by hard and blunt object and this petitioner has got no criminal antecedent as also his appearance may be secured in course of trial, therefore this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Panjwara P.S. Case No. 128 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties



of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st, Banka subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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