

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22657 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- VISHNUPAD District- Gaya

=====

BINOD YADAV @ BINOD KUMAR RAJ S/O JAGDEO YADV R/O VILL-
KHATKACHAK, NAILI, P.S-MAGADH MEDICAL, DISTRICT-GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anand Kishore Sinha

For the Opposite Party/s : Mr.Binod Kumar

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 307, 379, 504 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant for the reason that petitioner serves in the Indian Army and thus the informant implicated him so that his service gets terminated. It is further submitted that no doubt the allegation is of assault against this petitioner along with Manoj and other and the petitioner is alleged to have assaulted the informant by sword causing injury on head, but then from perusal of the injury report, it would



manifest that the injuries suffered by the injured is simple in nature, which amply demonstrates that the accused persons never had any intention of committing a serious occurrence. It is also submitted that on account of dispute relating to land, the alleged occurrence is said to have taken place. It is next submitted that the petitioner will not abscond rather will co-operate in the investigation.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner and nature of injury suffered, *prima facie*, Section 307 of the IPC is not attracted, 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 bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Vishnupad P.S. Case No. 291 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event if the Investigating Officer of the case files an application before the



learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith.

8. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

Rishabh/-

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

