

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24383 of 2024

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

Ashok Kumar Yadav @ Ashok Yadav @ Ashok Kumar, aged about 48 years,
Male, Son of Jagdeo Yadav, Resident of Village-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, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Vishnupad P.S. Case No. 291 of 2023 instituted for the offences
punishable under Sections 341, 323, 325, 307, 379, 504/34 of
the Indian Penal Code.

3. As per the prosecution case, 6 FIR named accused
persons including the petitioner and two unknown accused
persons assaulted the informant with *Khanti*, *Iron Pipe* and
sword due to which the informant injured.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case due to dirty village politics.
It has further been submitted that there is no specific allegation



of assault against the petitioner and on what part of body, he assaulted the informant. It is further submitted that the petitioner is a teacher and at the time of occurrence, he was on duty and was not at all present at the place of occurrence. He further submits that it is a case of land dispute. Petitioner has got no criminal antecedent as stated in para 3 of the petition is in custody since 02.12.2023.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, injury report and the impugned order of the learned Additional Sessions Judge-XII, Gaya dated 15.01.2024, it appears that petitioner is named in the FIR. From perusal of the FIR, injury report and the impugned order of the learned Additional Sessions Judge-XII, Gaya, it also appears that the petitioner along with other co-accused assaulted the informant with *Khanti*, *Sword* and *iron pipe*, due to which informant sustained head and bodily injuries. The injury report shows that the injuries are simple in nature caused by hard and blunt substance. FIR has been lodged under various sections of the Indian Penal Code. All sections are bailable in nature except 307 and 379 of the IPC. Perusal of the injury report itself shows that the injuries are simple in nature, accordingly the prayer for bail of the petitioner is allowed. Let



the petitioner above named be released on bail on furnishing
bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of
the like amount each to the satisfaction of the learned Chief
Judicial Magistrate, Gaya in connection with Vishnupad P.S.
Case No. 291 of 2023.

(Ramesh Chand Malviya, J)

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