

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33435 of 2024

Arising Out of PS. Case No.-41 Year-2022 Thana- KAKO District- Jehanabad

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Prahalad Yadav @ Prahalad Kumar Son of Ramdhari Yadav Resident of
village - Nisarpura, P.S. - Kako (Bhelawar O.P.) Distt - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-08-2024 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,
307, 504, 506 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case with an allegation that he assaulted
his brother by an iron rod causing injury on head.

4. Learned counsel for the petitioner next submits that
police, after threadbare investigation, came to a considered
conclusion that no offence under Section 307 of the IPC is made
out as such charge-sheet came to be submitted under Section
341, 323, 325, 337, 354, 504, 506 and 34 of the IPC. It is next



submitted that the learned Magistrate differing with the police report in a mechanical manner took cognizance of the offence under Sections 341, 323, 307, 504, 506 and 34 of the IPC by order dated 30-11-2023. It is also submitted that though in the FIR, it is alleged that injured was assaulted by the petitioner on head by an iron rod but then the injured did not suffer any injury on head rather the injury suffered by the injured is on non-vital part of the body, i.e., hand, as such the police did not find the case true under Section 307 of the IPC. It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

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

6. Considering the submissions made by the learned counsel for the petitioner, 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. 10,000/- (Rupees Ten 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 Kako (Bhelawar) P.S. Case No. 41 of 2022 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

7. It is made clear that in the event, if learned trial court comes to a conclusion that petitioner after being released on anticipatory bail is trying to delay the trial in any manner, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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