

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44652 of 2024

Arising Out of PS. Case No.-25 Year-2024 Thana- KAUWAKOL District- Nawada

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Ashok Yadav Son Of Baleshwar Yadav Villge- Dhanawa (DHAMNA), P.S.-
Kawakole (O.P. Rupau), Distt.- Nawada. Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard Mr. Sheo Kumar Prasad, learned counsel

appearing on behalf of the petitioner and Mr. Yogendra Kumar,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Kawakole P.S. Case No.25 of 2024 registered under
Sections 323, 325, 341, 307, 354(B), 504, 506 and 34 of the
Indian Penal Code.

3. As per the allegation made in the FIR, the petitioner
had assaulted on the head of the informant's daughter, by means
of *Khanti*, with an intention to kill.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner is innocent and he has falsely
been implicated in the present case. Learned counsel further
submits that there is case and counter case between the parties
from the same incidence, resulting into fierce fight, due to the
protest made by the petitioner. Learned counsel submits that no
injuries has been caused on the persons of the informant. The



petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, in respect of the petitioner that he had assaulted on the head of the informant's daughter with *Khanti*, the learned District Court has not considered the injury report, I find it proper that the learned District Court must peruse the injury report and verify, as to whether, the same is grievous in nature. In case, it is simple in nature, the petitioner is directed to be released on bail, in connection with Kawakole P.S. Case No.25 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and the learned District Court deems it fit and proper.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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