

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47572 of 2015

Arising Out of PS.Case No. -232 Year- 2014 Thana -GUTHANI District- SIWAN

=====

Pawan Kumar Yadav @ Pawan Yadav, Son of Ram Ekbal Yadav, Resident
of Village - Tali Bujurg, P.S. - Guthani, District - Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 30-10-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Guthani
P.S. Case No. 232 of 2014 dated 04.02.2014 instituted under
Sections 341/323/307/504 of the Indian Penal Code.

The allegation against the petitioner is of
inflicting blow on the waist of the informant and thereafter
trying to inflict injury by knife.

Learned counsel for the petitioner submits
that he has been falsely implicated as the allegation is against
him and his brother and the brother is said to have sat on the
chest of the informant and assaulted him with fists and slaps
for the reason that there is land dispute between the parties
and whenever the petitioner goes to his land, he is assaulted.
It is submitted that in this context there are two cases against
the petitioner by the informant side. Learned counsel has
drawn the attention of the Court to a finding of the learned

Sessions Judge, Siwan in Anticipatory Bail Petition No. 2360 of 2014 dated 30.03.2015, by which the prayer for anticipatory bail of the petitioner was rejected, in which it has been stated that the assault by knife does not get support from the injury report of the injured as the injuries of the injured are opined to be simple and caused by hard blunt substance. It is submitted that only because of the allegation and that the petitioner assaulted the injured even after falling down, his prayer for anticipatory bail has been rejected by the lower Court whereas it has been allowed with regard to his brother.

Learned A.P.P. submits that there is allegation of assault by knife. However, he is not in a position to dispute the finding of the learned Sessions Judge that the same is not corroborated by the injury report.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon 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, Siwan in Guthani P.S. Case No. 232 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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

