

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5005 of 2015

Arising Out of PS.Case No. -31 Year- 2014 Thana -UPHARA District- AURANGABAD

- =====
1. Kishun Yadav
 2. Pintu Yadav @ Pintu Kumar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Sharma-Advocate

For the Opposite Party/s : Mr. S.N. Shukla (A.P.P.)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

03 24-04-2015

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Informant, Surendra Yadav while was sleeping,
fallen prey at the hands of both the petitioners who, as alleged,
poured acid as well as Pintu Yadav had given one *lathi* blow.
Subsequently thereof, he was taken to A.N.M.C.H., Gaya for
treatment. The doctor had found presence of injuries caused by
corrosive substance grievous in nature.

It has been submitted on behalf of petitioners that
they are being victimized at the end of one Kameshwar with
whom, petitioner Kishun has got land dispute. This Kameshwar
happens to be own brother in-law (Sardhu) of informant.

It has also been submitted that conduct of the
informant should also be taken note of. Informant, without

informing the local police, without approaching the local hospital, shifted to A.N.M.C.H. where he remained for quite long time and after returning there from, filed written report on 13th day without any explanation.

It has also been submitted that by passing of local police as well as local hospital happens to be an intentional one, because of the fact that injury happens to be self-inflicted which, the informant sustained while opening the bottle filled up with acid, being an offence.

It has also been submitted that it happens to be reason behind that while informant was admitted at A. N. M. C. H., his statement was recorded by the police wherein he had stated that he caught fire on account of earthen land. The aforesaid statement happens to be the initial version of the prosecution which has purposely been withheld/ suppressed for the time being, so that informant could invent a new story which happens to be the basis of present F.I.R., otherwise aforesaid statement which happens to be dated 10.07.2014, would have been the initial version and which, rules out complicity of petitioners during commission of the crime. So, submitted that it is a fit case for grant of an anticipatory bail.

On the other hand, learned Additional Public

Prosecutor opposed the prayer.

Without adverting to the merit of the case as it will prejudice the interest of the petitioners, petitioners are directed to surrender before the learned lower Court with a prayer for bail which, the learned lower Court will consider in light of submission, so made on behalf of petitioners as referred herein above.

With the aforesaid finding, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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