

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5696 of 2015

Arising Out of PS.Case No. -164 Year- 2014 Thana -PIPRA District- SUPAUL

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Brahmadeo Yadav son of Bhagwat Yadav

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Md.Iftekhar Mahmood(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 11-02-2015

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Pipra Police Station Case No. 164 of 2014 registered for the
offences punishable under Sections 147, 341, 323, 354, 307,427
and 504 of the Indian Penal Code.

Although, there is allegation against the petitiioenr that
he gave Fersa blow on the head of injured Dukhi Yadav but
admittedly, there is counter case and a person from the side of the
petitioner also sustained injury in the above stated counter case.
Moreover, it is submitted on behalf of the petitioner that inured
Dukhi yadav, sustained simple injury which is said to be caused
by sharp cutting weapon.

Taking note of the aforesaid submission as well as

facts and circumstances of the case, the prayer for anticipatory bail of the petitioner stands rejected.

However, if the petitioner surrenders before the court below in connection with Pipra Police Station Case No. 164 of 2014 and seeks regular bail, the concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this rejection order and, if, the injury of Dukhi Yadav is found simple in nature, the concerned court shall pass order in favour of the petitioner on the day of his surrender. However, if on the day of surrender of the petitioner injury report of the petitioner is not available on the record, in that event, petitioner shall be released on provisional bail fixing amount of bonds by the court below itself, till the receipt of the injury report and thereafter the regular bail petition of the petitioner shall be decided by the learned court below in the manner as stated above.

Namita/-

(Hemant Kumar Srivastava, J)

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