

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47776 of 2015

Arising Out of PS.Case No. -91 Year- 2015 Thana -SOUR BAZAR District- SAHARSA

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Kailash Yadav Son of Late Mahendra Yadav Resident of village-
Musharnia P.S.-Sour Bazar Dist- Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 05-11-2015

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

The petitioner apprehends arrest in Sour Bazar
P.S. Case No. 91 of 2015 dated 28.03.2015 instituted under
Sections 341/323/324/379/385/504/506/34 of the Indian
Penal Code.

The allegation against the petitioner and seven
others is of assault and specific against the petitioner of
inflicting head injury by '*Farsa*'.

Learned counsel for the petitioner submits that
there is case and counter case and the genesis of the case itself
indicates the allegation to be unbelievable inasmuch as it has
been stated that one day prior, the nephew of the informant
was abducted with the object of marrying him and later on he
was left in an unconscious condition and on the date of
occurrence i.e., next day, the petitioner along with others had

come and demanded Rs. 50,000/- as 'rangdari' and not being paid, they had assaulted. Learned counsel submits that in fact the petitioner has also received severe injury on his person in the counter case and because he was busy in getting his treatment, his case came to be registered after the present case. It is further submitted that the petitioner and his family members have been roped for petty local village politics and further that he has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the allegation against the petitioner being specific of inflicting '*Farsa*' blow on the head is corroborated by the injury report and in that view of the matter, he does not deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for bail before the Court below, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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