

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33505 of 2015

Arising Out of PS.Case No. -132 Year- 2013 Thana -BITHAN BAZAR District- SAMASTIPUR

1. Mukesh Yadav, Son of Lalo Yadav, resident of village Bhikhari Ghat,
P.S. Alauli, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Anita Kumari Singh(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-08-2015

Heard learned counsels for the petitioner and
the State.

Petitioner is apprehending his arrest in a
case registered for the offences punishable under Sections 341,
323, 307, 34 of the Indian Penal Code and Section 27 of the
Arms Act.

The prosecution case is that while the
informant was travelling on a motorcycle then co-accused
Rajdeep Yadav, Pramod Yadav, Binodi Yadav, Vipin Yadav and
this petitioner made assault to the informant. Co-accused
Rajdeep Yadav fired causing injury on the lower abdomen of the
informant. Co-accused Binodi Yadav and this petitioner fired
which caused injuries on the wrist of the informant and when
the informant was taken to the clinic of Dr. Prakash Sah then
co-accused Pramod Yadav came and resorted to fire but no

injury was caused.

It is submitted by learned counsel for the petitioner that from the F.I.R itself, it is not apparent that firing was made by the petitioner or co-accused Binodi Yadav causing injuries on the wrist and since injuries were caused on the non vital part of the informant, hence Section 307 I.P.C is not made out. It is further submitted that for the same incidence other case was lodged by Ram Dayal Paswan who was driving the motorcycle who claimed to have not identified the assailants.

A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

The aforesaid facts constitute ground for consideration of prayer for regular bail, if the petitioner surrenders within a period of six weeks in connection with Bithan P.S. Case No. 132 of 2013, pending in the Court of learned Sub-Divisional Judicial Magistrate, Rosera, Samastipur.

Accordingly the application is disposed of.

(Dinesh Kumar Singh, J)

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