

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27911 of 2016

Arising Out of PS.Case No. -190 Year- 2015 Thana -GOPALPUR District- PATNA

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Arvind Kumar Yadav @ Arvind Yadav son of Late Radhey Shyam Singh
Resident of Village- Udaini, P.S.- Gopalpur, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Aditya Narayan Singh-1, Advocate.

For the Opposite Party : Mr. Suresh Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-10-2016 Heard both sides.

The petitioner apprehends his arrest in Gopalpur P.S.
Case No. 190 of 2015 registered for the offences punishable under
Section 307 and some other Sections of the Indian Penal Code and
Section 27 of the Arms Act.

The informant named the petitioner along with other
accused persons and alleged that the petitioner having armed with
sword and other accused persons having armed with different
weapons came to the Darwaja of the informant and began to abuse
the informant. The petitioner Arvind Kumar Yadav @ Arvind
Yadav is alleged to have assaulted Prakash Kumar, the brother of
the informant with sword. It is further alleged that Upendra Kumar
Yadav and Rangin Donald caught his brother and James Kumar

fired, which hit on the head of the brother of the informant.

Learned counsel for the petitioner submits that there is a land dispute between the parties. Santosh Kumar and Others filed a case before the DCLR, Patna vide Land Dispute Case No. 124/2014-15 and the aforesaid case was decided in favour of the petitioner. It is further submitted that on the same day Gopalpur P.S. Case No. 191 of 2015, was registered on the statement of Santosh Kumar. This case has been lodged only to take revenge from the petitioner on account of land dispute. Annexure-4 shows that one lacerated wound was found on the right side of forehead of the brother of the informant but the nature of injury has not been described as the patient was sent to N.M.C.H. for treatment.

It appears that, of course, there is case and counter case and the occurrence took place due to land dispute, but there is specific allegation against the petitioner that the petitioner assaulted Prakash Kumar, the brother of the informant, with sword on his head and one lacerated wound size 2"x03"x05" was found on the forehead of brother of the informant and the patient felt dizziness and vomiting, therefore, he was referred to N.M.C.H. for better treatment.

Considering the facts aforesaid and the fact that the petitioner assaulted the brother of the informant with sword and

corresponding injury was found, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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