

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37544 of 2016

Arising Out of PS.Case No. -158 Year- 2016 Thana -SAUR BAZAR District- SAHARSA

- =====
1. Umesh Yadav Son of Sinkandar Yadav
 2. Dinesh Yadav S/o Sinkandar Yadav Both Resident of Village- Khajuri, P.S. Sour Bazar, District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Ramesh Chandra, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 29-09-2016

Heard learned counsel for the petitioners, learned
counsel for informant and learned A.P.P. for the state.

It has been submitted by the learned counsel for the
petitioners that petitioner no.2, Dinesh Yadav has now since been
arrested and hence, the application for bail on his behalf has
become infructuous.

The bail application on behalf of petitioner no.2 is,
accordingly, dismissed as withdrawn.

The sole petitioner Umesh Yadav apprehends is
arrest in connection with Sour Bazar P.S. Case No.158 of 2016
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 307, 379, 504 and 506 of the Indian Penal
Code.

The prosecution case, in brief, as lodged by the



informant, Vikash Kumar is that on 2.5.2016 at 1.00 P.M. when on the eve of Panchayat Election the informant and Amaremdra Kumar were present at Booth No.18 as agent of Madhulata Kumari candidate of Zila Parishad, all of a sudden the accused persons armed with lathi, farsa and country made pistol came there and ordered him to leave the place, but the informant did not leave the said place, then the co-accused Dinesh Yadav gave iron rod blow on the head and the left hand of the informant. It is further alleged that in the way Umesh Yadav (petitioner) gave farsa blow as well as the accused persons also assaulted to others and snatched money and golden chain.

It has been submitted by the learned counsel for the petitioner that he is innocent and has falsely been implicated in this case. It is submit that there is a case and counter case between the parties and both sides received injuries and the counter case being Sour Bazar P.S.Case No.157 of 2016 had been lodged against the informant and others for the same occurrence on the same day prior to the lodging of the present first information report. It has been submitted that the allegation of injury caused by the petitioner on one Vijendra Yadav has been found to be caused by hard and blunt object although the allegation is of farsa blow. However, injury on the said Vijendra Yadav has been found to be grievous in nature.

Learned counsel for the informant submits that the petitioner is named in the F.I.R. having caused grievous injury to one Vijendra Yadav. He further submits that although the allegation is of farsa blow but in any case blow inflicted from the butt can be found as injury by hard and blunt object and the injury has been found to be grievous and hence, opposes the prayer for bail.

Learned A.P.P. for the State submits that the petitioner is named in the first information report and hence, opposes the prayer for bail.

Since the injury caused by the petitioner has been found to be grievous, I am not inclined to grant privilege of anticipatory bail to the petitioner.

However, the petitioner may surrender before the learned court below within a period of six weeks and his application be heard preferably on the same day on merits without being prejudiced by this order.

(Nilu Agrawal, J)

AnilKrSinha/-

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