

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24858 of 2016

Arising Out of PS.Case No. -47 Year- 2016 Thana -PARWALPUR District- NALANDA
(BIHARSHARIFF)

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1. Bidhiya Yadav @ Bidya Yadav Son of Saryug Yadav Resident of
Village- Mai, Police Station- Parawalpur, District Nalanda at Biharsharif.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Opposite Party/s Mr. Shailendra Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

02/ 15.06.2016 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Parwalpur P. S. case no. 47/2016 registered under sections 341, 323,
308, 554, 504, 506/34 of the Indian Penal Code.

Petitioner is said to have badly assaulted the informant by
means of lathi. The informant sustained, altogether, four injuries.

The submission on behalf of the petitioner is that the
prosecution party was aggressor and, as a matter of fact, on the alleged
date of occurrence, petitioner and his family members were assaulted
by the prosecution party for which brother of the petitioner filed
complainant case being Complaint case no. 205C/2016 which has
been sent to the concerned police station for institution of the FIR. It is
further submitted that the informant has sustained simple injury and,
therefore, no case under section 308 of the Indian Penal Code is made

out.

The injury report of the informant reveals that she sustained four injuries and, therefore, aforesaid fact goes to show that the petitioner repeated his blow causing injuries on the head and other parts of the body of the informant.

Therefore, considering the facts and circumstances as well as submissions of the parties, I am not inclined to extend the privilege of anticipatory bail. Accordingly, his prayer for anticipatory bail in connection with the above stated case stands rejected.

However, this order shall not cause any prejudice to the concerned court at the time of consideration of regular bail application of the petitioner.

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(Hemant Kumar Srivastava,J)

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