

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19038 of 2017

Arising Out of PS.Case No. -6 Year- 2017 Thana -SAHARSA District- SAHARSA

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Ratan Yadav Son of Karm Lal Yadav Resident of Village-Saharba P.S.-
Bihra Dist.-Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Smt. Meena Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 10-07-2017 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner apprehends his arrest in connection with Saharsa Sadar P.S. Case No. 006 of 2017 for the offences punishable under sections 147, 149, 323, 384, 504, 506, 307, 324 and 325 of the I.P.C.

The allegation against the petitioner is that the petitioner and his brother were constructing the house on the land of the informant which was objected and thereafter the petitioner, his brother and Bablu being armed with farsa and lathi started assaulting the brother of the informant with an intention to kill him causing injury to him and he fell down and after sensing that he has been killed they left him. However, he was brought to the hospital where treatment was going on. The petitioner was



demanding Rs.2,00,000/- otherwise not to make construction.

Submission is of false implication and that the doctor has given injury report in collusion with the informant showing grievous in nature, the petitioner has filed petition to get him examined through the medical board but the injured did not come before the medical board, there is case and counter case, due to the land dispute the occurrence has taken place and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. seriously opposes prayer for pre-arrest bail of the petitioner by submitting that grievous injury has been found on the person of Shushil Kumar, the brother of the informant.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of C.J.M. Saharsa.

However, in case and if so advised, the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits, preferably on the same day, without being prejudiced by this order.

(Jitendra Mohan Sharma, J)

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