

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1020 of 2017

Arising Out of PS.Case No. -123 Year- 2016 Thana -BIRAUL District- DARBHANGA

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Phulo Yadav, aged about 45 years, son of Paltu Yadav, resident of village -
Simra Navtolia, P.S. - Baheri, District - Darbhanga.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Raja Ram Mishra, Advocate

For the Opposite Party : Mr. Sri Ajay Kumar -2 (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 08-02-2017 Heard learned counsel for the petitioner, learned

counsel for the informant and also learned counsel representing

the State.

The petitioner apprehends his arrest in connection
with Biraul P.S. Case No. 123 of 2016, registered for the offences
punishable under Sections 147, 148, 341, 323, 324, 354, 379, 307
& 504 of the Indian Penal Code.

Allegedly, the petitioner and other co-accused started
abusing the informant and other girls and further they started
teasing the girls which was objected by the informant and then the
accused persons started teasing the daughter of the informant, but
due to intervention of local people the matter was pacified. But
again the accused persons being armed came and they started



outraging the modesty the daughter of the informant, resulting, the informant raised alarm and then the petitioner gave farsa blow on the head of the informant causing injury to her and others assaulted with iron rod and further they snatched purse from the daughter of the informant containing cash of Rs. 25,00/- and gold chain from the informant, valued at Rs. 40,000/-.

Submission is of false implication and that this is counterblast case of Baheri P.S. Case No. 60 of 2014 lodged by the co-accused Suresh Mukhiya against the informant and others. No case under Section 307 of the Indian Penal Code is made out in this case, other co-accused have been allowed pre-arrest bail and the allegation for assaulting with farsa has not been substantiated with injury report, the injury found on the person of the informant is simply caused by hard and blunt substance. Injury no.1 which is grievous caused by sharp cutting weapon.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes the prayer of pre-arrest bail by submitting that against the petitioner there is specific allegation and the injury report supports the allegation as injury no.1 is caused by sharp cutting weapon which is grievous in nature.

In the facts and circumstances as stated above, considering the nature of injury, I am not inclined to grant



privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Biraul P.S. Case No. 123 of 2016, pending in the Court of learned A.C.J.M., Biraul.

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

(Jitendra Mohan Sharma, J.)

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