

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54743 of 2018

Arising Out of PS. Case No.-225 Year-2017 Thana- KUMAR KHAND District- Madhepura

Anil Yadav, S/o Sri Ram Krishna Yadav, R/o Vill.- Raghuniya, P.S.-
Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 10-10-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Kumarkhand P.S. Case No.225 of 2017 registered under Sections 341, 323, 325, 354(B), 379, 380, 307, 427, 504 and 506/34 of the Indian Penal Code besides Section 27 of the Arms Act, pending in the court of the Sub Divisional Judicial Magistrate, Madhepura.

The accusation is that 9 persons, named in the F.I.R., including the petitioner having lathi and danda reached near the informant and started to abuse. At that time, on the order of Ramkishun Yadav, Arun Yadav opened fire at him twice/thrice but the same did not hit to anyone. Thereafter, this petitioner



made attempt to cause assault to the informant through lathi on his head but, in the meantime, the informant caught hold the lathi and sustained fracture injury in his hand. At that time, Sunil Yadav caused assault to the mother of the informant through iron rod, whereas Ramkishun Yadav caused injury to the wife of the informant through fists and slaps.

Learned counsel appearing on behalf of the petitioner submits that while the allegation in the F.I.R. has been made against the petitioner to cause fracture injury at the hand of the informant but out of the four injuries as found on the person of the informant, injury nos.III and IV are said to be simple in nature, whereas injury nos.I and II are said to be grievous, due to fracture in the right hand of the informant, without perusing the X-ray report by the doctor. Further submission is that while it is alleged in the F.I.R. that the informant received injury in his hand but the injury is in his thumb.

Annexure-2 is the photocopy of the injury report of the informant, which shows that on the basis of the X-ray, the injury nos.I and II were found grievous, due to fracture in the right hand of the informant.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to grant



anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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