

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50842 of 2018

Arising Out of PS. Case No.-67 Year-2018 Thana- FATEHPUR District- Gaya

1. Rana Yadav @ Ranjeet Yadav, S/o Sato Yadav @ Satendra Yadav,
2. Dilip Mistri S/o Bhusadi Mistri, Both Residents of Vill.-
Gumma, P.S.- Fatehpur, District- Gaya. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar
For the Opposite Party/s : Mr. Sri Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioners, learned APP for
the State and learned counsel for the informant.

The petitioners are apprehending their arrest in a case registered under Sections 147, 148, 149, 341, 323, 307, 447, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

The prosecution case, in short, is that on the eve of Holika Dahan, the accused persons including the petitioners came at the door of the informant and assaulted him due to which he sustained injury.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The alleged occurrence is said to have taken place on the eve of Holi. Petitioner no. 1 is in C.R.P.F. posted in the North-East. It is further submitted that accepting the allegation as it is and taking into account that nature of injury is grievous, at best, it is a case for offence under Section 325 IPC. As far as petitioner no. 2 is



concerned, no injury is attributed against him. No overt act is alleged against petitioner no. 2. Due to village politics, the petitioner no. 2 has been implicated in the present case.

On behalf of the State and informant, it is submitted that the petitioner no. 1 is alleged to have given *khanti* blow causing grievous injury on the informant.

Considering the same, I am not inclined to grant anticipatory bail to petitioner no. 1. The prayer is rejected.

So far as petitioner no. 2 is concerned, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. X, Gaya in connection with Fatehpur P.S. Case No. 67/2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

If the petitioner no. 1 surrenders in the Court below, the same shall be considered on its own merit without being prejudiced by the order taking into account that petitioner no. 1 is employed in Para-Military Force of the Central Government.

(Sudhir Singh, J)

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