

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18822 of 2018

Arising Out of PS.Case No. -89 Year- 2013 Thana -ARARIA District- ARARIA

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Tapsi Yadav, S/o Late Tulsi Yadav @ Late Tulsi Prasad Yadav, R/o
Village- Bag Nagar, P.S.- Mahalgaon, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Praveen Kumar Agrawal, Advocate
For the State : Mr. Umesh Lal Verma, APP
For the Informant : Mr. Shiv Shankar Sah, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 01-05-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State as well as the

learned counsel for the informant.

The petitioner is in custody since 21.12.2017 in
connection with Araria P.S. Case No.89 of 2013 registered for
the offence under Sections 341, 323, 307, 379/34 of the Indian
Penal Code, which is pending in the court of the learned Chief
Judicial Magistrate, Araria.

Learned counsel appearing on behalf of the petitioner
submits that the informant has stated that his son had taken his
tractor to the garage for servicing and thereafter, three unknown
persons came to sit on his tractor and forced him to go to several
places and later attacked the son of the informant and left him in



an injured condition near the culvert. It is further submitted that thereafter the informant's son was treated at Araria Hospital and thereafter at Purnia Hospital, from where he was referred to Siliguri and at Siliguri he was given treated at a private Hospitals, namely, Paramount Hospital Pvt.Ltd., where he was operated upon and he continued to be there for several days.

Learned counsel for the petitioner submits that the entire F.I.R. as against the present petitioner is wholly based on suspicion and that the petitioner has no role to play. In fact, the report from the Paramount Hospital, Siliguri states that it is a case of road traffic accident and the petitioner had been discharged on 26.02.2013 whereas the FIR has been registered after a lapse of about 20 days on 17.03.2013.

Learned counsel for the informant has seriously opposed the present application for bail on the ground that the son of the informant was, in fact, attacked by the present petitioner, Tapsi Yadav, as has been clearly elaborated by the son of the informant himself, who after regaining consciousness has stated in paragraph 7 of the case diary. It is further submitted that the tractor in question is yet to be traced.

Learned counsel for the State has also referred to the said paragraph of the case diary and submits that the statement



made in the F.I.R. stands corroborated by the statement of the victim himself as made in paragraph 7 of the case diary and from the ditch near the culvert, the victim was recovered as has been stated by him. He further submits that since the son of the informant has suffered serious head injuries, he is not entitled to the privilege of bail.

Having heard learned counsel for the parties and after going through the entire case diary and on consideration of the injuries as is evident from Annexure 2, which is the discharge summary of Paramount Hospital Pvt. Ltd. at Siliguri, it appears that the petitioner has clearly attacked the victim and he had suffered serious injuries, for which he was treated at the said hospital.

In view of such facts and circumstances, I am not inclined to grant bail to the petitioner. It is, accordingly, rejected.

However, the petitioner is at liberty to renew his prayer for bail after framing of charges.

(Anjana Mishra, J)

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