

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53291 of 2018

Arising Out of PS. Case No.-142 Year-2018 Thana- SULTANGANJ District- Bhagalpur

Ramesh Yadav @ Ramesh Prasad Yadav, S/o Late Parmeshwar Yadav, R/o Shiv Nandanpur, Rajgangapur, P.S.- Sultanganj, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Kamal Kishore Jha, Advocate.
For the State	:	Mr. Rajeev Nayan, A.P.P.
For the Informant	:	Mr. Chandra Shekhar Sharma, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 22-11-2018 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 341, 323, 325, 354, 307, 452, 380, 427 and 504/34 of the IPC.

The prosecution story, in brief, is that on 18.06.2018 at about 7.30 P.M. while the informant alongwith his family members were at his house. All of sudden, co-accused Piyush Yadav, Raushan Yadav, Jayram Yadav and Ramesh Yadav (petitioner) and 10-15 persons came with *Lathi*, *Rod* and various weapons and co-accused Piyush Yadav broken the door of the informant by *Khanti* and assaulted him on his head with *Khanti* on which, he sustained injury and fell down on the earth



and co-accused Raushan Yadav pierced *Rod* on his forehead and co-accused Jayram Yadav assaulted his son (Raushan) with *Lathi* on his head as a result of which, he sustained injury and Ramesh Yadav(petitioner) assaulted his wife with *Lathi* on left hand and leg due to which her hand was fractured.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is alleged to have assaulted Nutan Devi wife of the informant. She sustained two injuries. Injury No. 1 is said to be simple caused by hard and blunt substance and opinion of Injury No. 2 is reserved.

On behalf of the State and informant, it is submitted that the petitioner is named in the F.I.R. There are two injuries caused by the petitioner to the said injured Nutan Devi wife of the informant. The allegation made in the F.I.R. is supported by the injury report.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to petitioner. The same is rejected in connection with Sultanganj P.S. Case No. 142 of 2018, pending in the court of learned A.C.J.M. 1st, Bhagalpur.



Anyhow, if petitioner surrenders and prays for regular bail in the learned court below, the same shall be considered on its own merit without being prejudiced by this order of the Court.

U.K./-

(Sudhir Singh, J)

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