

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51549 of 2017

Arising Out of PS.Case No. -19 Year- 2017 Thana -ALINAGAR District- DARBHANGA

=====

Braham Dev Yadav, Son of- Ram Bahadur Yadav, resident of Village-
Alinagar, Tola- Kajimpur, P.S.- Alinagar, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.

For the Opposite Party/s : Mr. Chaubey Jawahar, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

8 12-01-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Alinagar P.S.**

Case No. 19 of 2017 instituted for the offence under Sections 341,
323, 506, 307/34 of the Indian Penal Code and Section 27 of the
Arms Act.

Learned counsel for the petitioner has submitted that
in the written report there is no any specific allegation of overt act
against this petitioner. It has further been submitted that the victim
has given different statement before the police on 22.3.2017 as
well as in the *Fard-e-beyan*, wherein he has levelled specific
allegation against petitioner of causing firearm injury to the
victim. It has further been submitted that there is land dispute



between the parties. Petitioner is brother of the wife of the informant (injured). Therefore, he has falsely been implicated in this case.

The counsel for informant has appeared and submitted that Doctor has found gun shot injury in his shoulder. The victim is still getting treatment in AIIMS, New Delhi, in support of which, he has enclosed necessary documents of AIIMS in the counter affidavit.

Learned counsel for the informant has further submitted that during pendency of this anticipatory bail application, another overt act has been committed by this petitioner for which, Alinagar P.S. Case No. 93 of 2017 has been lodged by the victim Dhanij Lal Yadav of assaulting him. The aforesaid First Information Report has been enclosed as Annexure-A to the counter affidavit.

Learned A.P.P. has submitted that the injury report is available in the case diary wherein the Doctor has found one lacerated wound measuring $\frac{1}{2}$ " x $\frac{1}{2}$ " x muscle deep over lateral aspect of left arm with earring and tattooing around wound with a light bleeding. Numerous metallic like pellets felts subcutaneously around wound. The aforesaid injury report was issued from DMCH wherein it is mentioned that the final injury report may be



obtained from first consulting doctor on duty at PHC, Alinagar.

This Court is unable to understand such observation of the Doctor of DMCH. He has examined the patient and has not given the final report.

As per *Fard-e-beyan* of the victim recorded in DMCH as mentioned in paragraph-27 of the case diary, he has levelled specific allegation of overt act against this petitioner. The petitioner has again committed overt act during pendency of this anticipatory bail application.

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

Petitioner may surrender before the court below and make prayer for regular bail which shall be considered by the court below in accordance with law without being prejudiced by this order.

S.Ali/-

(Sanjay Priya, J)

U		T	
---	--	---	--

