

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35691 of 2018

Arising Out of PS.Case No. -122 Year- 2015 Thana -PHULPARAS District- MADHUBANI

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Raj Lal Yadav son of Late Jugut Yadav resident of village - Mahuliya, P.S.
Phulparas, District Madhubani.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Adv.

For the Opposite Party/s : Mr. Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 29-06-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Phulparas P.S.Case No. 122 of 2015 registered under
Sections 147, 148, 149, 379, 323, 324, 307, 447 and 504 of the
Indian Penal Code.

The contention of the petitioner is that the case has
been instituted in retaliation to Phulparas P.S.Case No. 110 of
2015 dated 13.04.2015 instituted by one Phul Kumari Devi against
the prosecution party, who were trying to grab her land, and she
was also beaten and assaulted by the members of the prosecution
party. The further contention is that though the allegation against
the petitioner is of inflicting *bhala* on the belly of the son of the



informant, the injury report from Darbhanga Medical College and Hospital is not available on record. Lastly, it is contended that the co-accused Brahmdeo Yadav has already been granted pre-arrest bail by a Bench of this Court by order dated 25.04.2018 passed in Cr.Misc. No. 20515 of 2018.

On the other hand, learned counsel for the State submitted that from perusal of the order passed by the court below, it would be manifest that the son of the informant was first taken to Sub-Divisional Hospital and after initial treatment he was referred to Darbhanga Medical College and Hospital. He submitted that the informant has specifically alleged against the petitioner that he was instrumental in inflicting *bhala* injury upon her son. He contended that the case of the petitioner is not on identical footing to that of the case of the co-accused Brahmdeo Yadav. It is only the petitioner against whom allegation of inflicting injury by *bhala* on the son of the informant is confined.

Having heard learned counsel for the parties, I see that the case of the petitioner is distinguishable from the case of co-accused Brahmdeo Yadav, who has already been granted pre-arrest bail. The allegations made against the petitioner are quite serious, which are further corroborated by medical evidence.

In that view of the matter, I am not inclined to grant



pre-arrest bail to the petitioner. Accordingly, the application for grant of pre-arrest bail is rejected.

(Ashwani Kumar Singh, J)

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