

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5611 of 2019

Arising Out of PS. Case No.-208 Year-2018 Thana- RAJAOLI District- Nawada

=====

Mahendra Prasad Yadav @ Mahendra Prasad @ Mahendra Yadav, S/o
Baleshwar Prasad @ Baleshwar Yadav Resident of Village- Karanpur, P.S.-
Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Nawada.
2. Vijay Yadav @ Vijay Prasad, S/o Baleshwar Prasad @ Baleswar Yadav
Resident of Village-Karanpur, P.S.- Rajauli, District- Nawada.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Manglam
For the Opposite Party/s : Mr. Upendra Kumar

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 24-04-2019 Heard learned counsel for the petitioner and learned
APP for the State.

None turned up on behalf of the O.P. No. 2 despite
service of notice.

The petitioner has filed this petition for cancellation
of bail granted to the O.P. No. 2 by this Court vide order dated
19.12.2018 with the case that the O.P. No. 2 has obtained the
aforesaid bail order suppressing the fact of sustaining injury by
the petitioner (informant) by submitting that the petitioner has
not sustained any injury in the occurrence. But, as a matter of
fact, the petitioner has sustained four injuries out of which one
of the injury is incised wound caused by sharp cut weapon and



rest are by hard blunt substance and nature of injury has been opined by the doctor as dangerous to life. Moreover, after taking bail, the O.P. No. 2 has again committed the occurrence against the petitioner and his family members. Regarding the same, the S.P. Nawada has been informed by the petitioner vide letter dated 05.01.2019. Hence, in the aforesaid facts and circumstance, the bail of the O.P. No. 2 is liable to be cancelled.

O.P. No. 2 did not file any rejoinder to the aforesaid petition.

From perusal of record, it appears that the O.P. No. 2 has been granted anticipatory bail by this Court vide order dated 19.12.2018 on his submission that the petitioner (informant) has not sustained any injury in the occurrence and that the occurrence is of 26.06.2018, but the F.I.R. has been lodged after inordinate and abnormal delay of three days i.e. on 29.06.2018 without assigning any plausible reason for the aforesaid delay. Petitioner (informant) by filing the injury report tried to persuade the court that he has sustained altogether four injuries including one incised wound and one lacerated wound on the head and all the injuries have been opined by the doctor as dangerous to life. But, the petitioner is said to have sustained aforesaid injuries during the course of occurrence which took



place on 26.06.2018 while he was examined by the doctor S.C. Sinha, M.O., Sadar Hospital Rajauli, Nawada on 14.07.2018 i.e. after 18 days of the occurrence. Though, as per the submission of the petitioner, he was immediately rushed to the aforesaid hospital and from where he was referred to P.M.C.H., but the aforesaid injury report indicates that the petitioner was examined by the said doctor after 18 days of the occurrence which creates serious doubt about sanctity of the injury report. Annexure-2 filed by the petitioner indicates that he has given information to S.P. Nawada on 05.01.2019 to the effect that the accused persons were extending threatening of slitting the neck of the entire family of the petitioner, but that appears mere application of the petitioner and there is no investigation report of police officer on the said petition in vindication of the aforesaid allegation made by the petitioner.

Considering the facts and circumstances of the case, I do not find any substance in the aforesaid petition. Accordingly, it is dismissed.

(Prakash Chandra Jaiswal, J)

rohit/-

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

