

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27227 of 2019

Arising Out of PS. Case No.-289 Year-2018 Thana- MUNGER MUFFASIL District- Munger

Shambhu Yadav @ Shambhu Kumar Son of Late Raj Kishore Yadav Resident
of Village- Bank, P.S.- Muffasil, District- Munger.

... .. Petitioner.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Indu Bhushan

For the Opposite Party/s : Mr. Md. Mushtaque Alam

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

ORAL ORDER

3 29-07-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 307 and 506 of the Indian Penal Code.

Petitioner along with eight other accused persons
are said to have surrounded the house of the informant in the
night and on the exhortation of the petitioner his brother
Rupesh Yadav assaulted the informant inflicting injury on his
chest, shoulder and head while other accused persons assaulted
him by means of lathi.

Learned counsel for the petitioner submitted that no
such occurrence as alleged ever took place. The petitioner is
quite innocent and has been falsely implicated in this case. As a



matter of fact, the family members of the petitioner, namely, Hema Devi filed Muffasil P.S. Case No.288 of 2018 against the brother of the informant and others and in order to save skin from the said case, the informant has lodged this false and frivolous case against the petitioner and others, hence petitioner deserve bail.

Learned counsel for the informant and learned APP for the State opposing the bail petition submitted that though the petitioner does not happen to be assailant but five criminal cases have been lodged against the petitioner, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case and particularly considering the criminal antecedents, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order on the same day.

Trivedi/-

(Prakash Chandra Jaiswal, J)

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