

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29392 of 2019

Arising Out of PS. Case No.-472 Year-2018 Thana- BAHERA District- Darbhanga

Vijay Yadav, Aged about 36 years, Male, S/o Surya Narayan Yadav, Resident of Village Pipra, P.S. Bahera, District Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Yadav

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-05-2019 Heard both sides.

Petitioner apprehends his arrest in Bahera P.S. Case No.472 of 2018, registered under Sections 147, 148, 149, 341, 323, 307, 354(A), 379 and 504 of the Indian Penal Code.

The informant named the petitioner along with other accused persons and alleged that while the informant was sitting along with his family members, the petitioner and others having armed with different weapons suddenly came to the house of the informant and began to abuse the informant and his family members. Vijay Yadav, the petitioner is said to have assaulted Jagdish Yadav, the father of the informant with butt of rifle and other accused persons also assaulted him.

Learned counsel for the petitioner submits that the petitioner and other accused persons are Pattidar, co-sharer of the informant, Virendra Kumar Yadav. Arun Yadav filed Bahera P.S. Case No.470 of 2018 on 29.10.2018 against Jagdish Yadav, his son



Virendra Yadav and others alleging therein that while he was constructing boundary wall on the land purchased in the name of his wife, Virendra Yadav, Jagdish Yadav and others came and assaulted the informant. It is further submitted that the present case is counter blast of the case lodged by the petitioner but from perusal of the FIR, it appears that the present occurrence took place on 30.10.2018 and from the side of the petitioner Bahera P.S. Case No.470 of 2018 was registered for the occurrence alleged to have taken place on 29.10.2018. There is specific allegation against the petitioner Vijay Yadav that he assaulted Jagdish Yadav, the father of the informant, with butt of rifle and the injuries found on the head of Jagdish Yadav shows that on account of assault made by the petitioner, there was fracture of right fronto temporal bone.

Considering the facts that of course there is case and counter case but on account of assault made by petitioner by butt of rifle, Jagdish Yadav got grievous injury on the head, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Prabhat Kumar Jha, J)

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