

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.1853 of 2019**

Arising Out of PS. Case No.-39 Year-2018 Thana- MANSI District- Khagaria

1. Rabindra Yadav son of Muni Yadav

2. Mukesh Yadav son of Late Sahdeo Yadav

Both resident of village-Dhamhara Ghat, P.S.-Mansi, District-Khagaria

... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      15-01-2019                      Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Mansi Case No.39 of 2018 registered under Sections 147, 148, 149, 341, 323, 307, 354A, 379 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submitted that though there is allegation of causing injury with iron rod to the husband of the informant, the injured was not treated by any government doctor. The doctor, who examined him and granted certificate that the injury caused upon his person was grievous



in nature is a private doctor. Hence, his report is not believable. He further contended that after two days of the alleged occurrence a complaint has also been filed in the court against the members of the prosecution party with regard to same incident.

On the contrary, learned counsel for the State submitted that the fard beyan of the informant has been recorded in the government hospital at Begusarai. He categorically stated that without any rhyme or reason the petitioners, who are neighbours came armed with iron rod and assaulted the husband of the informant. The learned Sessions Judge, while passing the impugned order, has taken note of the fact that the injured Pradeep Yadav had sustained grievous injury.

I have heard learned counsel for the parties and perused the record.

Considering the specific allegation made against the petitioners that they actively participated in the assault and the husband of the informant sustained grievous injury, I am not inclined to grant them pre-arrest bail.

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

In case the petitioners surrender and seek bail, the



same shall be considered on its own merits without being  
prejudiced in any manner by this order.

Md. S/-

**(Ashwani Kumar Singh, J)**

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