

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71536 of 2018

Arising Out of PS. Case No.-219 Year-2018 Thana- ALOULI District- Khagaria

Tejo Yadav @ Teja Yadav, S/o Sri Chalittar Yadav, R/o Village- Khutauna
Badadiha, P.S.- Bithan, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasudeo Ram, Advocate.

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

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 12-03-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Alali P.S. Case No. 219 of 2018 registered under Section
302 of the Indian Penal Code.

The accusation is that, in the evening of 12.07.2018,
Dhyani Yadav, elder brother of informant, was in the field in
connection with grazing his she-buffalo. At that time, petitioner
was moving there in drunken state and on seeing Dhyani Yadav,
brother of the informant, stated to abuse him. When brother of
the informant made protest then petitioner caused injury at the
head and chest of Dhyani Yadav and threw him in ditch, in
which, Dhyani Yadav sustained injury at his head and chest.



Learned counsel for the petitioner submits that while in the F.I.R. allegation has been made against the petitioner to cause injury to deceased, Dhyani Yadav and threw him in the ditch but informant later on, filed the protest petition in the court of Chief Judicial Magistrate, Khagaria, denying the allegation as made in the F.I.R. saying that, in fact, Binod Yadav and Baidnath Yadav assaulted to deceased, brother of the informant due to which he died and thereafter, he put only thumb impression on plain paper on the instruction of the police.

There is specific allegation against the petitioner to cause injury to the deceased in drunken state and throwing him in the ditch. In the postmortem report, diffused swelling over the left side of the scalp was found and in the internal examination, brain matter lacerated and filled with blood was also found.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without



being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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