

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69852 of 2018

Arising Out of PS. Case No.-276 Year-2018 Thana- ALOULI District- Khagaria

Manoj Yadav, Son of Mahendra Yadav, Resident of Village + Post- Hathwan,
P.S.- Alauli, District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-01-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Alauli P.S. Case No. 276 of 2018, registered for the offence
punishable under Sections 341, 323, 325, 452, 354B, 307,
380 and 504(B) of the Indian Penal Code.

The case of the prosecution in brief is that the co-
accused Chhotan Yadav had entered into the house of the
informant and tried to commit illegal and immoral act upon
her whereupon, she had raised alarm and thereafter, the
husband of the informant had arrived and tried to save the
informant. However, the co-accused Chhotan Yadav called
his accomplice, whereafter, the accused persons including the
petitioner herein came, variously armed and started assaulting



the husband of the informant. As far as the petitioner is concerned, he has, admittedly, assaulted the husband of the informant on his hands with the hand of the tube-well causing grievous injury and fracture on the hand of the husband of the informant.

The learned counsel for the petitioner submits that there is general and omnibus allegation of assault upon the accused persons and co-accused person, namely, Sanjeev Yadav has already been granted bail by this Court.

Per contra, the learned counsel for the informant has submitted that the petitioner has a bad antecedent inasmuch as four criminal cases are pending against the petitioner and there is specific allegation of assault upon the petitioner herein resulting in grievous injury to the husband of the informant which stands corroborated by the injury report, as is seen from the case diary.

Having regard to the submissions made by the learned counsel for the parties, the materials available on record, as also the materials available in the case diary, I find that the case of the petitioner is absolutely distinguishable from the case of the co-accused person, namely, Sanjeev Yadav and as far as the petitioner is concerned, there is ample



material on record to show that the petitioner had assaulted the husband of the informant resulting in infliction of grievous injury to him, hence, at the moment, I am not inclined to grant bail to the petitioner.

Accordingly, the prayer of the petitioner for grant of regular bail is rejected.

(Mohit Kumar Shah, J)

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