

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74365 of 2018

Arising Out of PS. Case No.-559 Year-2018 Thana- MOHANIYA District- Bhabhua (Kaimur)

1. Vikash Kumar Yadav, Son of Sanjay Yadav,
2. Sanjay Yadav, Son of Late Bhagwan Singh Yadav, Both are Resident of Village- Khajhara, P.S.-Mohania, District-Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan

For the Opposite Party/s : Mr. Braj Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-01-2019 Heard learned counsels for the petitioner, informant and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 307, 325, 337, 504 and 34 of the Indian Penal Code.

The prosecution case as per the written report of Rajkeshwar Singh Yadav, submitted to the S.H.O., Mohania P.S. is to the effect that on 17.09.2018 at 02.00 P.M., petitioner no.1, Vikash Kumar Yadav, was washing his vehicle due to which dirty water was being splashed in front of the door of the informant. On protest being made by the informant, the petitioner armed with garasa and lathi, assaulted on the head of the informant. It is further alleged that when the wife of the informant, Lilawati Devi came to rescue, then she was also



assaulted by the accused persons. It is specifically alleged against petitioner no.2, Sanjay Yadav that he assaulted on the hand of the informant causing fracture injury.

It is submitted by learned counsel for the petitioner that in the background of a dispute for washing the vehicle, the accusation has been levelled against the petitioner and except one injury on the hand of the informant, other injuries have been found to be simple in nature. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent. There is a counter version of occurrence being Complaint Case No.1336 of 2018, registered by one Mira Devi, mother of petitioner no.1 and wife of petitioner no.2 against the informant.

It is submitted by learned counsel for the informant that there is specific accusation of assault against the petitioner no.2, Sanjay Yadav, who caused grievous injury to the informant.

Considering the nature of accusation and genesis of occurrence, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let petitioner no.1, Vikash Kumar Yadav be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on



furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Chief Judicial Magistrate, Kaimur at Bhabua** in connection with **Mohania P.S. Case No.559 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner no.2, Sanjay Yadav is concerned, since the accusation is being corroborated with the medical report and the injury caused to the informant has been found grievous in nature, this Court is not inclined to grant anticipatory bail to the petitioner no.2, Sanjay Yadav.

Let the learned Court below consider the prayer for regular bail of petitioner no.2, Sanjay Yadav, if he surrenders before the learned Court below within a period of six months in connection with **Mohania P.S. Case No.559 of 2018**, pending in the Court of learned **C.J.M., Kaimur and Bhabua**.

It goes without saying that the regular bail application of petitioner no. 2 shall be considered on its own merits without being prejudiced by the order passed by this Court.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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