

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15214 of 2020

Arising Out of PS. Case No.-84 Year-2019 Thana- MALAYPUR District- Jamui

=====

Batoran Yadav, aged about 45 years, Male, Son of Aasho Yadav, Resident of Village - Gadi Katauna, P.S.- Malaypur, Distt - Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.Ajay Kumar Jha

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-09-2020 Heard Mr. Satya Prakash Parasar, learned counsel for the petitioner and Mr. Ajay Kumar Jha, learned Additional P.P. through video conferencing.

The petitioner apprehends his arrest in Malaypur P.S. Case No.84 of 2019, registered under Sections 147, 341, 323, 307, 379, 448, 504 and 506 of the Indian Penal Code.

The informant alleged that on 05.10.2019, Guru Kumar Yadav, Batoran Yadav, Hari Kishore Yadav, Birendra Yadav, Kapil Yadav, Shambhu Yadav, Anil Yadav and Rekha Devi having armed with different weapons came and assaulted the informant and other family members. The petitioner, Batoran Yadav is alleged to have assaulted Saro Devi with iron rod on her head.

Learned counsel for the petitioner submits that there is



case and counter case. The occurrence took place on 05.10.2019 but the informant lodged the case on 12.10.2019. Saro Devi was examined on 05.10.2019 but the doctor put signature on the injury report on 25.10.2019. It is further submitted that the petitioner also got injury on his head and the dimension of the injury sustained by the petitioner is almost same but the doctor opined the injury of the petitioner as simple whereas the doctor did not give any opinion with regard to nature of injury found on the head of Saro Devi. It is further submitted that since there is mutual assault on each other, the petitioner deserves anticipatory bail, but it appears that the informant very categorically alleged that the petitioner assaulted Saro Devi with iron rod on her head. The doctor found the injury on the head of Saro Devi. The doctor also found hairline fracture of head bone of Saro Devi and this fact itself shows that the injury was grievous in nature. Saro Devi was examined on 05.10.2019 but injury report was issued on 25.10.2019 and, therefore, it cannot be said that the injury report is manufactured one. The injured got grievous injury on head and, therefore, she was under treatment which caused delay in lodging the FIR.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail.



Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

If the petitioner surrenders in the learned court below, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U		T	
---	--	---	--

