

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17337 of 2020**

Arising Out of PS. Case No.-426 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

1. RAJESH KUMAR YADAV @ RAJESH YADAV S/o Ramchandra Yadav
Resident of Village- Khairatwa, P.S.- Kuchaikote, Distt- Gopalganj.
2. Santosh Yadav S/o Ramchandra Yadav Resident of Village- Khairatwa, P.S.-
Kuchaikote, Distt- Gopalganj.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Upendra Yadav, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 14-10-2020 Heard learned counsel for the petitioners and Mr.

Akhileshwar Dayal, learned APP Incharge on behalf of the

State.

Petitioners, in the present case, are seeking pre-arrest
bail in connection with Kuchaikote P.S. Case No. 426 of 2019
registered for the offence under Sections 341/323/324/307/379/
504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that so far
as petitioner no. 1 is concerned, the allegation against him is
that he had assaulted on the head of the son of the informant by
sword causing injury on the left parietal region muscle deep.
Learned counsel submits that the injury has been found simple
in nature.



So far as petitioner no. 2 is concerned, it is alleged that he had assaulted the son of the informant by an iron rod which hit on his back and leg as a result whereof the son of the informant fell down. The injury caused by petitioner no. 2 has been found simple in nature.

Learned counsel for the petitioners has further submitted that Annexure '2' is the First Information Report lodged by the accused side of this case in respect of an occurrence which has taken place subsequently on 07.12.2019 and in this occurrence the present informant side had attacked causing injuries to Mantosh Kumar Yadav and Sonu Kumar Yadav. It is submitted that the accused in the case (Annexure '2') have been granted anticipatory bail by learned court below.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners. It is submitted that the petitioner no. 1 had attacked on the son of the informant by a deadly weapon such as sword and then both the petitioners seems to have indulged in assaulting him in which petitioner no. 2 has given repeated blow by hard and blunt object causing injury no. 2, 3 and 4. It is submitted that though these injuries are simple in nature, the weapon used and repeated blow are something which has to be taken note of.



Having regard to the facts and circumstances of the case wherein petitioner no. 1 has caused injury on the head of the son of the informant and then petitioner no. 2 has given repeated blow on the body causing at least three injuries, this Court is not inclined to grant them privilege of anticipatory bail.

Prayer for anticipatory bail of the petitioners is, thus, refused.

In case, the petitioners surrender and pray for regular bail in the court below within a period of four weeks from today, the learned court below shall consider their prayer for regular bail on its own merit without being prejudiced by the orders of this Court and while considering the prayer for regular bail of the petitioners it would be relevant to consider the submission of the petitioners that in the case (Annexure '2') the accused have been granted anticipatory bail by the learned court below. The prayer for regular bail of the petitioners shall not be rejected only because this Court has refused to grant anticipatory bail to them.

The application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

