

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79008 of 2019

Arising Out of PS. Case No.-37 Year-2019 Thana- BARAUNI District-Begusarai

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Balmiki Yadav, aged about 50 years, Male, son of Jhaksu Yadav, resident of Village-Machar Diyara, Police Station and District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 30-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Arun, learned counsel for the petitioner and Mr. Md. Aslam Ansari, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Barauni PS Case No. 37 of 2019 dated 27.01.2019, instituted under Sections 341/323/307/505/506/34 of the Indian Penal Code.

4. The allegation against the petitioner and three others is of assault on the informant and her son and specifically against the petitioner of hitting by fist on the face of the



informant and by butt of the pistol on the head of the son of the informant, causing serious injury.

5. Learned counsel for the petitioner submitted that the FIR itself speaks of land dispute between the parties and the present case obviously is with *mala fide* intention to falsely implicate the petitioner. It was submitted that no such incident occurred and even the allegation of hitting by butt of pistol is falsified as the police has not charged the petitioner under the Arms Act. It was submitted that even the injuries have been found to be simple in nature. Learned counsel submitted that the petitioner has no criminal antecedent.

6. Learned APP, from the case diary, submitted that specific allegation of assault and causing injury is only against the petitioner, both on the informant and her son. It was submitted that the injury on the son of the informant has been found on his head for which 7-8 stitches were required which indicates that it was on a vital part and serious. It was further submitted that out of four named accused, two are ladies and upon surrender before the Court below were granted bail and, thus, the petitioner against whom the entire allegation of assault has been made, should also go and surrender before the Court below and pray for bail.



7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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