

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78891 of 2019

Arising Out of PS Case No.-267 Year-2019 Thana- KHAIRA District- Jamui

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1. Bhuneshwar Yadav, aged about 28 years, Male.
 2. Rajkumar Yadav, aged about 26 years, Male.
 3. Jageshwar Yadav, aged about 24 years, Male.
 4. Shankar Yadav, aged about 22 years, Male.

All are sons of Dewali Yadav, Resident of Village- Bojhayat, P.S.- Khaira,
District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the State : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-10-2020

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

2. Heard Mr. Pankaj Kumar Sinha, learned counsel for the petitioners and Mr. Suresh Prasad Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Khaira PS Case No. 267 of 2019 dated 28.08.2019, instituted under Sections 341, 323, 354, 307, 316/34 of the Indian Penal Code.



4. The allegation against the petitioners is of assault on the informant and her husband causing grievous injury.

5. Learned counsel for the petitioners submitted that they have been falsely implicated and the fact is that when both the informant and her husband were coming in the evening after collecting dry wood on a cycle, they had a fall, which resulted in injuries and it was not because of any assault by the petitioners. It was submitted that there is land dispute between the parties and earlier also they have filed cases against each other. Learned counsel submitted that witnesses have stated that the informant and her husband were coming on a cycle which has been suppressed by the informant in the FIR as that would have shown that they had met with an accident and there was no assault by the petitioners.

6. Learned APP, from the case diary, submitted that consistently all witnesses have stated with regard to the petitioners having assaulted the informant and her husband. It was submitted that only three witnesses have stated with regard to the petitioner no. 2 only being present at that time whereas four other witnesses have stated that all the petitioners had assaulted. It was further submitted that the injury report shows grievous injury as there was fracture of bone on the husband of



the informant and the informant had also bled which indicates that the allegations of assault on her leading to miscarriage is correct. Learned counsel submitted that there is consistency in the statement of eye witnesses with regard to the informant and her husband being assaulted.

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 petitioners.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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