

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78610 of 2019

Arising Out of PS. Case No.-272 Year-2018 Thana- DULHIN BAZAR District- Patna

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Mahesh Yadav, aged about 30 years (Male), son of Mahendra Yadav, resident of Village Pausuhi, P.S. Dulhin Bazar, District Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	None
For the State	:	Mr. Anant Kumar-1, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 07-09-2020

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

2. Nobody appears on behalf of the petitioner.

3. On 31.08.2020 also, nobody had appeared on behalf of the petitioner and the Court had recorded the following:

“xxxx

2. Nobody appears on behalf of the petitioner. It is informed that Mr. Ajay Kumar Sinha, learned advocate on record for the petitioner has been sent the link and he was also telephonically informed and had said that he would be appearing before the Court. Despite that, nobody has appeared on behalf of the petitioner. The host of the present video conference also contracted learned counsel for the petitioner on



his mobile phone but the same was not answered by learned counsel.

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4. Today also the host/technical support person attached to the Court, has informed that besides sending the link to Mr. Ajay Kumar Sinha, learned advocate on record for the petitioner, he had talked to him on his mobile last evening and learned counsel had assured that he would be assisting the Court by joining the proceeding today, but he did not do so. Again, on the direction of the Court, when the host called on his mobile number, despite the call going through, the same was not answered by Mr. Ajay Kumar Sinha, learned counsel.

5. In the aforesaid background, the Court was left with no option but to presume that the petitioner had lost interest in pursuing the matter as repeatedly, after assuring the host, nobody appeared on behalf of the petitioner to press the application when the matter was taken up.

6. In view thereof, the Court has heard Mr. Anant Kumar-1, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Sanjay Kumar, learned counsel for the informant.

7. The petitioner apprehends arrest in connection with



Dulhin Bazar PS Case No. 272 of 2018 dated 11.11.2018, instituted under Sections 147/148/149/341/323/307/379/504/506 of the Indian Penal Code and 27 of the Arms Act.

8. The allegation against the petitioner and 10 others is of trying to kill by firing indiscriminately, whereas against the petitioner it is specific of firing on the wife of the informant which hit her in the stomach and another co-accused is said to have taken away gold chain from her neck.

9. Learned APP, from the case diary, submitted that the injury report shows two wounds; one on the front of the stomach and one at the back near the spine and half litre of blood was found in the abdominal cavity caused due to injury to some internal organ. It was submitted that the doctor has opined that the injury was life threatening.

10. Learned counsel for the informant submitted that the petitioner has two other cases under serious sections, including 307 of the Indian Penal Code against him besides the present case. It was further submitted that there is specific allegation of causing wound on the stomach of the wife of the informant caused by overt act of the petitioner which is corroborated by the injury report.

11. Having considered the facts and circumstances of



the case and submissions of learned APP and learned counsel for the informant, the Court is not inclined to grant pre-arrest bail to the petitioner.

12. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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