

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78415 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- CHHABILAPUR District- Nalanda

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Ashok Yadav @ Ashok Prasad, aged about 42 years, (Male), son of Yamuna Prasad, resident of Village-Kathalpura, P.S. Chhabilapur, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 04-09-2020

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

2. Heard Mr. Anil Chandra, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Chhabilapur PS Case No. 109 of 2019 dated 31.07.2019, instituted under Sections 341/323/307/504/506 of the Indian Penal Code.

4. The allegation against the petitioner is of forcibly trying to plough the field of his brother by tractor and upon



objection, having assaulted him causing grievous injury and also of assaulting the informant, who is his mother, when she tried to save the victim.

5. Learned counsel for the petitioner submitted that he is son of the informant and the injured is his full brother. It was submitted that there is a counter case filed by him and he has also sustained injury. Learned counsel submitted that there is land dispute between the parties. It was further submitted that the petitioner has no other criminal antecedent.

6. Learned APP, from the case diary, submitted that witnesses have supported the prosecution story and the petitioner was the aggressor causing grievous injury on the head, by giving repeated blows, which has been corroborated by the doctor in the injury report. It was submitted that the petitioner has inflicted blows on his mother also while she was trying to save the other brother. It was submitted that the counter case filed by the petitioner was later in time and further that in the present case the injury sustained by him has been explained and clearly it was due to his own fault and not caused by any assault by the victims in the present case. It was submitted that there are many eye witnesses to the incident who have fully supported the prosecution story.



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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