

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32144 of 2020

Arising Out of PS. Case No.-189 Year-2018 Thana- CHANAN District- Lakhisarai

Manoj Kumar @ Manoj Yadav, S/o Late Bhola Yadav, R/o village- Gohari,
P.S.- Chanan, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pandey, Advocate.

For the Opposite Party/s : Ms. Asha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 06-07-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection with Chanan P.S. Case No. 189 of 2018, registered under Sections 147, 148, 149, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act, pending in the court of Additional Chief Judicial Magistrate, Lakhisarai.

The accusation is that Harak Yadav, father of the informant, Sahendra Yadav, and other villagers had gone in Panchayat for compromise in respect to dispute of villagers of Gohari village and Dev Nagar village. At that time, 19 persons named in the FIR including the petitioner and 100 unknown started to cause assault through lathi and pelting bricks and



stones, in which, his father, Harak Yadav, sustained grievous injury. The villagers Anil Yadav, Ashok Yadav, Prahalad Yadav and Matho Yadav also sustained injury in pelting bricks and stones. At that time, to create havoc, several round firing was also made. On 12.12.2018, the villagers of the informant caught hold the tractor attached with trailer loaded with extracted illegal sand and handed over to the police due to that reason, Marpit took place in between the villagers of Gohari village and Deo Nagar village, regarding which, Chanan P.S. Case No. 187 of 2018 was instituted due to that reason, the present occurrence took place.

Learned counsel for the petitioner submits that, in fact, petitioner at the time of occurrence was in service of Indian Army and he was posted at Jammu and Kashmir but with ulterior motive, he has been implicated in the present case with false allegation. Further submission is that the cause of occurrence is said to be of Chanan P.S. Case No. 187 of 2018 but it would appear from the FIR of Chanan P.S. Case No. 187 of 2018, this petitioner was not made accused. Further submission is that there is general and omnibus allegation against the petitioner to cause injury to Harak Yadav, father of the informant and in the postmortem report, cause of death are Hemorrhage and shock



due to injuries, as found on the left temporal region, right wrist and right knee.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to him. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

U		T	
---	--	---	--

