

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31976 of 2020

Arising Out of PS. Case No.-333 Year-2020 Thana- AMARPUR District- Banka

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1. Lav Kush Yadav @ Lav Kush Kumar, Male, aged about 22 years, S/o Sukhdeo Yadav.
 2. Suryanarayan Yadav @ Sujani Yadav, Male, aged about 25 years, S/o Sukhdeo Yadav.
 3. Ghunghali Uadav, Male, aged about 22 years, S/o Sukhdeo Yadav.
All are resident of Village- Gorem, P.S.- Fullidumar, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vibhakar Kumar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-05-2021

The matter has been heard *via* video conferencing.

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

3. The petitioners apprehend arrest in connection with Amarpur PS Case No. 333 of 2020 dated 21.06.2020, instituted under Sections 341, 323, 308, 354, 379, 504, 506/34 of the Indian Penal Code.

4. The allegation against the petitioners is of assault on the head of the informant and his wife leading to injuries.



Against other co-accused, there is further allegation of snatching of gold chain from the neck of the wife of the informant.

5. Learned counsel for the petitioners submitted that the allegation is of general and omnibus assault against all the petitioners and not specific. It was submitted that even the injury report is not very specific. It was further submitted that the petitioners have no criminal antecedent.

6. Learned APP, from the case diary, submitted that there is injury on the head of the informant and his wife and the injury of the informant is grievous in nature and opinion has been reserved with regard to injury of the informant's wife, though there is serious injury on her head. It was submitted that all the three have assaulted and the Court is not required to go into the aspect as to who actually hit since the intention was common and has resulted in injury on head. Learned counsel submitted that the petitioners with common intention have assaulted the informant and his wife on the head and, thus, the intention was clear to cause injuries to them and the same has also resulted in injuries. It was submitted that the injury report discloses that the same is grievous in nature and the informant and his wife have suffered fracture on the arm also.

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.

9. Interim protection given to the petitioner under order dated 12.03.2021 stands vacated.

(Ahsanuddin Amanullah, J)

J. Alam/-

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