

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33638 of 2020

Arising Out of PS. Case No.-112 Year-2020 Thana- CHANPATIA District- West Champaran

1. JADUNI YADAV, S/o Late Bachhan Yadav Resident of Village-Kauaha Laxmipur, Police Station-Sirisiya (O.P.), District-West Champaran.
2. Rajan Yadav @ Raj Haran Yadav S/o Jaduni Yadav Resident of Village-Kauaha Laxmipur, Police Station-Sirisiya (O.P.), District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anant Kumar Mishra, Advocate
For the informant	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Satyadeo Singh Yadav

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 28-06-2021 Heard Mr. Anant Kumar Mishra, learned counsel

for the petitioners and Mr. Bimlesh Kumar Pandey,

learned counsel for the informant. The State is

represented by learned APP.

The petitioners, who are father and son

amongst themselves, seek bail in anticipation of their

arrest in connection with Cahnpatiya (Sirisiya O.P.) P. S.

Case No. 112 of 2020, dated 18.03.2020, instituted for

the offences under Sections 147, 148, 323, 307, 379

and 504 of the Indian Penal Code.



The petitioners are said to have assaulted the informant's husband by means of an iron rod on his head.

The learned counsel for the petitioners has submitted that there is a dispute between two brothers and precisely for this reason, the own brother of the informant who is the petitioner no. 1 and the nephew of the informant who is the petitioner no. 2, have been made accused in this case. He further submits that the copy of the diary, which he has, does not contain any injury report.

However, the learned counsel for the informant has drawn the attention of this Court to the fact that from the impugned order, it can be gathered that because of the assault, the informant's husband had to undergo 30 stitches on his head before being referred to the PMCH for further treatment.

Considering the afore-stated nature of injuries suffered by the victim, I am not inclined to grant



anticipatory bail to the petitioners notwithstanding the relationship between the parties and petitioner no. 2 being a person with different ability.

The prayer for anticipatory bail is rejected.

However, if the petitioners surrender before the court below, the court below shall take into account the relationship between the parties, the circumstances of the case and the fact that one of the petitioners is a physically handicapped person and shall pass orders in accordance with law, without being prejudiced by the fact that the present petition has not been entertained by this Court.

The application stands disposed off.

(Ashutosh Kumar, J)

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