

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33879 of 2020

Arising out of PS. Case No.-117 Year-2020 Thana- BIRAUL District- Darbhanga

Subhash Yadav, Son of Satyanarayan Yadav, aged about 30 years, Gender -Male, Resident of Village - Mahmuda, P.S.- Biraul, Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-03-2021

Heard Mr. Baidya Nath Prasad, learned counsel for the petitioner and Mr. Bharat Bhushan, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Biraul PS Case No. 117 of 2020 dated 06.05.2020, instituted under Sections 341/323/324/325/379/509/307/34 of the Indian Penal Code.

3. The allegation against the petitioner and others is of assault on the informant and her son and specifically against the petitioner of giving *farsa* blow causing injury.

4. Learned counsel for the petitioner submitted that the petitioner is a young student. It was further submitted that though in the FIR, the allegation is of assault by *farsa* on the head, but in the re-statement, she has stated that petitioner attacked her on the



hand by iron rod. It was submitted that witnesses have also stated that petitioner had assaulted with iron rod on the hand. Learned counsel submitted that he has no criminal antecedent.

5. Learned APP submitted that the learned 7th Additional Sessions Judge, Darbhanga while rejecting the prayer for anticipatory bail by order dated 02.09.2020, has noted that the doctor has found one incised wound on the scalp, bone deep, bleeding profusely and fracture on forearm, which has been found to be grievous in nature caused by sharp cutting weapon. It was submitted that the informant has received fracture on the forearm and also bone deep incised wound on the scalp and, thus, further version in the FIR as also in the re-statement of witnesses is fully corroborated as both the injuries were grave in nature.

6. 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.

7. Accordingly, the application stands dismissed.

8. However, on submission of learned counsel for the petitioner, the Court would observe that if the petitioner appears before the Court below within four weeks from today and prays for bail, the same shall be considered on its own merits, in



accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

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