

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 36638 of 2020

Arising Out of PS Case No.-117 Year-2020 Thana- SONO District- Jamui

1. Sunil Yadav, Male, aged about 31 years, Son of Baso @ Basudeo Yadav.
2. Chandan Yadav, Male, aged about 22 years, son of Baso @ Basudeo Yadav. Both are resident of Village- Chilkakhar, PS Sono (Charkapathar), District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate
For the State : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 01-07-2021

The matter has been heard *via* video conferencing.

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

3. Learned counsel for the petitioners submitted that petitioner no. 1, Sunil Yadav, has been arrested and, thus, he may be permitted to withdraw the application on his behalf.

4. In view thereof, as prayed for by learned counsel for the petitioners, the application stands disposed off as withdrawn as far as petitioner no. 1, Sunil Yadav is concerned and is restricted to petitioner no. 2, Chandan Yadav.



5. The petitioner no. 2 apprehends arrest in connection with Sono (Charkapathar) PS Case No. 117 of 2020 dated 28.05.2020, instituted under Sections 147, 148, 149, 341, 323, 307 and 504 of the Indian Penal Code.

6. The specific allegation against the petitioner no. 2 is that he assaulted Lalu Yadav of the informant's side by *tangi* on the head.

7. Learned counsel for the petitioners submitted that the parties are agnates and there was land dispute and something may have happened on the spur of the moment, but there was no intention for the same. It was further submitted that the father of the petitioner no. 2 has also filed a case for the same incident and there has been injury on the side of the petitioners also. It was submitted that the petitioner no. 2 has no criminal antecedent.

8. Learned APP submitted that there is specific and direct allegation of assault by *tangi* on the head of Lalu Yadav, which is corroborated by the injury report in which an incised wound on the head caused by sharp cutting weapon has been noted by the doctor. It was submitted that the petitioner no. 2 having inflicted *tangi* blow on the head itself indicates that the intention was to cause serious injury and, thus, the petitioner no. 2 does not deserve the privilege of anticipatory bail.



9. 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 no. 2, Chandan Yadav.

10. Accordingly, the petition on behalf of petitioner no. 2, Chandan Yadav, stands dismissed.

11. However, in view of submission of learned counsel for the petitioner no. 2, it is observed that in the event the petitioner no. 2 appears before the Court below 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.)

P. Kumar

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