

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37733 of 2020

Arising Out of PS. Case No.-94 Year-2020 Thana- BIHRA District- Saharsa

1. Dilip Yadav, Male aged about 48 years, Son of Ganga Yadav.
2. Silip Yadav, Male aged about 46 years, Son of Ganga Yadav.
3. Sunil Kumar @ Sunil Yadav, Male aged about 44 years, Son of Ganga Yadav.
4. Vikash Kumar, Male, aged about 24 years, Son of Dilip Yadav.
All residents of Village-Bijalpur, Ward No. 4, PS- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 24-08-2021

The matter has been heard *via* video conferencing.

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

3. On 22.07.2021, the petition on behalf of petitioners no. 1, 2 and 4, namely, Dilip Yadav, Silip Yadav and Vikash Kumar was withdrawn and is now restricted to petitioner no. 3, namely, Sunil Kumar @ Sunil Yadav.



4. The petitioner no. 3 apprehends arrest in connection with Bihra PS Case No. 94 of 2020 dated 08.05.2020, instituted under Sections 147, 148, 149, 323, 324, 325, 307, 379, 354B, 504 and 506 of the Indian Penal Code.

5. The allegation against the petitioner no. 3 and others is of assault on the informant and others, and specifically against petitioner no. 3 that he had hit Kameshwar Yadav with iron rod on the hand leading to fracture.

6. On 22.07.2021, learned APP was asked to obtain the up-to-date legible photo copy of the entire case diary as well as the injury reports from the Superintendent of Police, Rohtas.

7. Learned APP, from the case diary, submitted that as per the report, there is fracture in the hand of Kameshwar Yadav and in the FIR itself, it has been specifically alleged that it was the petitioner who had assaulted on the hand which was the cause of such fracture.

8. Learned counsel for the petitioners submitted that there is also a counter case and there was land dispute and further, that there is injury on the part of the accused also.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the specific allegation of assault by the petitioner no. 3 on the



hand of Kameshwar Yadav which has resulted in fracture of the bone, the Court is not inclined to grant pre-arrest bail to him.

10. Accordingly, the petition on behalf of petitioner no. 3, namely, Sunil Kumar @ Sunil Yadav, stands dismissed.

11. Interim protection granted to petitioner no. 3, namely, Sunil Kumar @ Sunil Yadav, under order dated 22.07.2021, stands vacated.

(Ahsanuddin Amanullah, J.)

P. Kumar

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