

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11255 of 2022

Arising Out of PS. Case No.-286 Year-2021 Thana- HUSSAINGANJ District- Siwan

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MUKESH YADAV Son of Naresh Yadav Resident of Village - Hathaura, P.s.-
Husainganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramadhar Shekhar, Adv

For the Opposite Party/s : Mr. Parmanand Kumar, APP

For the Informant : Mr. Ajay Kumar Tiwary, Adv

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner, learned counsel
for O.P. no.2 and learned Additional Public Prosecutor for the
State.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within
stipulated period, office will place the matter before the Bench.

The petitioner apprehend his arrest in a case registered for
the offence punishable under sections 341, 323, 324, 354, 504,
506/34 of the Indian Penal Code.

The allegation against the petitioner is that he along with
other co-accused persons assaulted the informant and his son by



means of deadly weapons. It is further alleged that the petitioner Mukesh Yadav tried to outrage the modesty of the daughter of the informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case at the instance of his enemies. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is a delay of three days in lodging the F.I.R. which creates serious doubt on the prosecution case. There is a case and counter-case between the parties. The petitioner has not been apprehended on the spot and has no concern with the co-accused persons. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State as well as learned counsel for O.P. No.2 opposed the prayer for anticipatory bail by submitting that there is a specific overt act against the petitioner to assault by means of garasi. The injury report shows that the injury no.2 is grievous in nature which is caused by hard and blunt substance.

Having regard to the facts and circumstances of the case,



since the injuries are grievous in nature, I am not inclined to grant bail to the petitioner. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

This application is accordingly, dismissed.

(Anjani Kumar Sharan, J)

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