

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13659 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- RUPAULI District- Purnia

SHAMBHU YADAV @ SHAMBHU KUMAR YADAV Son of Late
Bhumeshwar Resident of Village - Balliya Yadav Tola, P.S. - Rupouli, Distt. -
Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Advocate

Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s: Mr. Binod Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-09-2022 Heard learned Senior Counsel for the petitioner and

learned A.P.P. for the State through the virtual Court proceed-

ings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 447, 341, 323, 324, 325, 307, 379, 354, 504 and 506 of the
Indian Penal Code.

Learned Senior Counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that on 18.05.2021 at 06:00
a.m. she was working at her door then 10 accused including the
petitioner along with five unknown accused came variously



armed and started abusing and assaulting her on the orders of Jai Krishan Yadav. Thereafter, it is alleged that petitioner assaulted the husband of the informant with *Dabiya* on his head causing injury and he fell unconscious. When the informant intervened to save her husband, petitioner dashed her on the ground by catching her hair because of which she was disrobed and thereafter the accused persons snatched gold chain from the informant and even assaulted the other family members.

Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He further submits that though it is alleged that the husband of the informant was assaulted by *Dabiya* but the injury report records that the injury has been caused by hard and blunt substance and the injury suffered by the injured is simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that even assault by the back side of *Dabiya* can lead to an injury which would be recorded as being caused by hard and blunt substance. He further submits that if assault is made by *Dabiya* from the front side then the injury would be recorded as being caused by sharp edged weapon. Learned A.P.P. further draws the attention of the Court to para 8 of the anticipatory bail application to submit that



the injury was grievous and on the vital part of the body.

Learned Senior Counsel for the petitioner rebuts the submission of the learned A.P.P. and stated that the said pleading was made at the time of filing of the anticipatory bail application. Learned Senior Counsel did not have the copy of the case diary and in the impugned order it was recorded that the injury was grievous as recorded in para 90 of the case diary, as such, the said pleading was made but now from perusal of the case diary, it would manifest that the injury suffered by the husband of the informant is simple in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that though specific submission has been made that the injury is simple but the same has to be verified.

Considering the submissions made by the learned Senior Counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Rupouli



(Mohanpur) P.S. Case No. 72 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further learned court below before accepting the bail bond of the petitioner shall verify the injury from the case diary and in the event if it is found that the injury suffered by the injured is grievous in nature, the present anticipatory bail order shall not be acted upon and if the injury suffered by the injured is simple then the present anticipatory bail order shall be acted upon forthwith.

(Satyavrat Verma, J)

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