

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16376 of 2020

Arising Out of PS. Case No.-164 Year-2019 Thana- TELHARA District- Nalanda

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VIJAY KUMAR @ VIJAY YADAV S/o Muneshwar Yadav R/o Telhara, P.S.-
Telhara, Distt- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi

For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 02-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in Telhara P.S. Case
No. 164 of 2019 registered under Sections 147, 149, 341, 323, 307,
379, 504 an 506 of the Indian Penal Code.

Prosecution case in short is that the informant along with his
father was sitting at his house, all the accused persons including the
petitioners armed with deadly weapons surrounded the informant and
his father and they started abusing. On protest, co-accused
Muneshwar Yadav instigated others to kill the informant and his
father. Whereupon, accused Pappu Yadav and Vijay Yadav assaulted
his father by means of iron rod on his head due to which, father of
the informant has sustained cut injury on his head and blood started
oozing. When the informant tried to save him, then the other accused
persons started assaulting him by means of lathi, sticks, due to which,



he sustained injury and fell down.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The petitioner along with other co-accused is said to have assaulted the father of the informant by means of iron rod on the head. There is a single injury on the parietal region. The injury report does not corroborate with the allegation made in the FIR.

On behalf of the State, it is submitted that the petitioner is named in the FIR. The nature of injury is said to be grievous. The petitioner is also alleged to have assaulted the victim.

Considering the fact that the nature of injury is grievous, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail to the petitioner is rejected.

If the petitioner surrenders in the court below and seeks regular bail, the same shall be considered on its own merit without being prejudice by this order.

(Sudhir Singh, J)

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