

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41944 of 2022

Arising Out of PS. Case No.-174 Year-2022 Thana- BAHADURPUR District- Darbhanga

SUNIL KUMAR YADAV S/o Satto Yadav R/o village- Belayakub, P.S.-
Bahadurpur, Distt.- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 325, 354, 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that on account of dispute relating to thoroughfare, on order of Sunil Kumar accused Sudhir dashed her on ground and Sunil assaulted by an iron rod causing injury on head and also assaulted by fist and slap.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that on account of dispute relating to



thoroughfare the present occurrence is alleged to have taken place, it is also submitted that from perusal of the injury report it would manifest that the injured on the same day was discharged, as such she did not suffer grievous injury.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that from bare perusal of the order impugned it would manifest that grievous injury was caused to the informant on her vital part of the body, as it is alleged that this petitioner had assaulted her by an iron rod causing injury on head and left eye.

Learned counsel for the petitioner rebuts the submissions of the learned APP and submits that from bare perusal of the FIR it would manifest that the same is based on written application of the informant and the date of occurrence is 22.04.2022 and the FIR has been instituted on 28.04.2022 i.e., after a delay of six days without any plausible explanation which creates doubt with regard to the veracity of the allegations as alleged in the FIR, it is further submitted that the informant was discharged on the same day when she was admitted in the hospital but still she took six days for instituting the present FIR which further creates doubt with regard to the veracity of the allegations as alleged in the FIR and the nature of



injury also appears to be simple or else the doctor would not have discharged her on the same day.

Considering the submissions made by the learned counsel for the petitioner and the fact that there is a delay in instituting the FIR without any plausible explanation, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Bahadurpur P.S. Case No. 174 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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