

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7550 of 2023**

Arising Out of PS. Case No.-174 Year-2021 Thana- BAHERI District- Darbhanga

Santosh Kumar Yadav @ Santosh Yadav @ Santosh Kumar S/O Jiwachh  
Yadav R/O Village- Amta, P.S.- Baheri, Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Aprajita

For the Opposite Party/s : Mr. Jagdhar Prasad

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      13-04-2023                      Heard learned counsel for the petitioner, learned  
counsel for the informant and learned Additional Public  
Prosecutor for the State.

The petitioner is apprehending his arrest in a case  
registered for the offence punishable under Sections 341, 323,  
325, 34 of the Indian Penal Code.

Petitioner is said to have assaulted the informant by  
means of Farsa on his head as a result of which he received  
injury.

Learned counsel for the petitioner submits that the  
petitioner is innocent and has been falsely implicated in this  
case. He submits that earlier the FIR was lodged against the  
petitioner under Sections 341, 323, 325, 34 of the Indian Penal  
Code in which he has been granted bail by the learned court  
below itself. He submits that later on charge-sheet has been



submitted under Sections 341, 323, 307, 504, 506/34 against the petitioner. Hence, this application. He further submits that petitioner has no criminal antecedent as stated in para-3 of this application.

Learned APP for the State and learned counsel for the informant oppose the prayer for bail and submit that the anticipatory bail application is not maintainable in view of the law laid down in the case of Mahindra Prasad Vs.The State of Bihar reported in 2004 (3) PLJR 491.

Considering the facts and circumstances of the case, this application is dismissed as not maintainable.

However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order.

**(Anjani Kumar Sharan, J)**

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