

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36135 of 2023

Arising Out of PS. Case No.-244 Year-2022 Thana- NARDIGANJ District- Nawada

DHARMENDRA YADAV Son of Late Anak Yadav Resident of Village-
Parma, PS- Nardiganj, District- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 308, 379 and 504/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioner is said to have assaulted the informant by means of spate and khanti.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that there is admitted land dispute between the parties. He submits that no any witness has supported the allegation against the petitioner. He further submits that the injury is not on the vital part of the body. He further submits that petitioner has got one criminal antecedent



as stated in para-3 of the bail application.

5. Per contra, learned APP for the State vehemently opposing the bail application and submits that the injury found upon the victim is grievous in nature. Hence, he does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case and the fact that injury found upon the victim is grievous in nature, I am not inclined to enlarge the petitioner on bail in connection with Nardiganj P.S. Case No. 244/2022. Accordingly, his prayer for anticipatory bail is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within a period of six weeks from today and seeks regular bail, the learned Court below would pass the order, preferably, on the same day, without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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