

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46331 of 2023

Arising Out of PS. Case No.-109 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

SURENDRA YADAV SON OF SAKALDEV PRASAD RESIDENT OF
VILLAGE -TRILOKI BIGHA, PS MUFASSIL, DIST NAWADA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Murli Dhar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-10-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks anticipatory bail in connection
with Nawada Muffasil P.S. Case No. 109 of 2023, disclosing
offences under Sections 341, 323, 307, 504, 506 and 34 of the
Indian Penal Code.

3. As per the First Information Report, the petitioner
assaulted the informant by means of *gandasa* on his head.

4. Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and has falsely been implicated in the present case due to
previous enmity and village politics. He further submits that the
occurrence has taken place on 01.05.2023 but instead of lodging
the FIR on 01.05.2023, the FIR has been lodged after a delay of



one day on 02.05.2023, that too after examination of the injured by the Doctor. He next submits that the FIR has been forwarded to the learned Magistrate which was seen by the A.C.J.M. on 08.05.2023 after a delay of six days which creates doubt upon the veracity of the FIR. A counter case has also been lodged by way of Complaint Case No. 528 of 2023 by the side of the petitioner. The petitioner assaulted the son of the informant, Vijendra Kumar, by means of *gandasa* which is a sharp cutting weapon whereas the injury to Vijendra Kumar is a lacerated wound caused by hard and blunt substance.

5. On the other hand, learned counsel for the State opposed the anticipatory bail of the petitioner and submits that the injury caused to the informant's son by the petitioner is grievous in nature on the vital part of the body and where lacerated wound over the red parietal region of the scalp has been found.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that there is direct allegation of assault upon the petitioner who has assaulted the son of the informant by means of *gandasa* on his head and a grievous injury has been found on the head of the injured, as such, I am not inclined to



grant anticipatory bail to the petitioner.

7. The application is, accordingly, rejected.

8. However, if the petitioner surrenders and seeks a regular bail before the concerned Court, the Court will consider the same on its own merit without being prejudiced by the fact that the anticipatory bail of the petitioner is rejected by this Court.

(Anil Kumar Sinha, J)

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