

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46118 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- NTPC District- Patna

Birendra Yadav @ Vijay Yadav @ Vijay Kumar, S/O Bachchu Yadav, R/O
Village- Magarchak, P.S- NTPC, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Anjana, Advocate

For the Opposite Party/s : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with NTPC P.S. Case No. 56 of 2023, registered for the alleged offences under Sections 341, 323, 324, 326, 307, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner and other co-accused persons in the backdrop of some previous dispute assaulted the informant and others with *lathi*, sword and bricks causing injuries to their victims. Specific allegation against the petitioner is that he gave a sword blow on the head of one Bablu Yadav.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. Though there is specific allegation against this petitioner that he assaulted Bablu Yadav on his head and finger by sword but the injury report shows injury was lacerated wound and the doctor reserved the opinion on the nature of injuries. The injuries of other injured are simple in nature. There is case and counter case between the parties and N.T.P.C. P.S. Case No. 55 of 2023 has been lodged by the co-accused of this case against the informant side under Sections 147, 148, 323, 324, 341, 307, 504 and 506 of I.P.C. The petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner. Learned APP further submits that the injury report shows injury on the head and finger of Bablu Yadav. Injury on the parietal region of the head is lacerated cutting wound and opinion has been reserved.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the specific nature of allegation against the petitioner for causing serious injury on vital part which is supported by the injury report, I do not think it is a fit case for grant of anticipatory bail.

7. Hence, his prayer for anticipatory bail is rejected.

8. However, if the petitioner surrenders before the



learned trial court and makes prayer for regular bail, the same shall be considered by the learned court below on its own merit expeditiously without being prejudiced by this rejection order.

(Arun Kumar Jha, J)

balmukund/-

U		T	
---	--	---	--

