

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46767 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- BATH District- Bhagalpur

Sunil Yadav @ Sunil Kumar Yadav Son Of Jharu Yadav @ Jharu Panjiyara
Resident Of Village Jhojhi Lakhanpur Ps Bath, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023 Heard Mr. Anil Kumar Singh, learned counsel for

the petitioner and Mr. Raj Ballabh Singh, learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Bath P.S. Case No. 51 of 2023, F.I.R. dated 29.04.2023 for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with other accused persons have assaulted the informant and his daughter and his daughter sustained injuries and during the course of *marpit*, four empty cartridges were found.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact, due to present occurrence, Veena Kumari got injured and she was admitted in J.L.N.M.C.H, Bhagalpur where her fardbeyan was recorded on 02.05.2023 in which she stated that one Ajit Kumar Yadav @ Tinku has fired at her husband but the same was missed and the empty cartridges which was found at the place of occurrence was not fired by the petitioner but the same was fired by Ajit Kumar Yadav @ Tinku. He further submits that there is case and counter case and both the sides sustain injuries.

5. The learned Additional Public Prosecutor pursuant to the direction dated 23.08.2023 has filed a counter affidavit in which he has categorically stated in paragraph 8 of the counter affidavit that during the course of investigation it was found that the allegation made against the petitioner was true and with respect to the case which was filed by the wife of the petitioner, the investigation is going on and it has also come during investigation that number of witnesses have supported the case of the prosecution.

6. Considering the aforesaid facts and circumstances, I am not inclined to grant the privilege of anticipatory bail to the



petitioner in connection with Bath P.S. Case No. 51 of 2023
pending in the court of Judicial Magistrate 1st Class, Bhagalpur.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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