

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52711 of 2023

Arising Out of PS. Case No.-332 Year-2022 Thana- MAGADH UNIVERSITY District- Gaya

RAMKHILAWAN YADAV @ KHILAWAN YADAV SON OF CHATRA
YADAV RESIDENT OF VILLAGE- HARIDASPUR, PS- M.U. BODH
GAYA, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-08-2023

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Magadh University P.S. Case no.332 of 2022 registered for the offence punishable under sections 307, 354, 379, 147, 149, 341, 323, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, it is stated by the informant that while the informant was returning from his agricultural field, the eight named accused persons including the petitioner herein started to abuse him. Thereafter it is stated that the informant and others were assaulted while the nephew of the informant namely Parshuram Kumar was assaulted by the petitioner on his head with a khanti as a result of which he sustained injuries.



4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. On perusal of the F.I.R., it would transpire that allegation of assault is on all the accused persons, however from the contents of the injury report of Parshuram Kumar which has been brought on record as Annexure-2 to the petition, it would transpire that only one injury has been found on the body and that has also not been opined to be grievous in nature. It is further submitted that injury report is not in consonance with the allegations in the F.I.R. There is an inordinate delay in lodging of the F.I.R. The manner of occurrence is other than what has been narrated in the F.I.R. The petitioner has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the F.I.R. together with a corroborative injury having been found on the head/scalp of the nephew of the informant namely Parshuram Kumar as per the injury report (Annexure-2), the Court is not inclined to enlarge the petitioner on anticipatory bail and the application is rejected.

(Partha Sarthy, J)

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