

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51500 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- NALANDA District- Nalanda

NAWAL PRASAD @ NAWAL YADAV S/o Late siyasharan Prasad @ Siya Sharan Yadav Resident of Village- Rangila Bigha, P.S.- Nalanda, District- Nalanda. Petitioner/s

Versus

The State of Bihar Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67112 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- NALANDA District- Nalanda

SHAIENDRA YADAV @ SHALENDRA KUMAR Son of Late Siyasharan Prasad @ Siya Sharan Yadav Resident of Village- Rangila Bigha, P.S.- Nalanda, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51500 of 2022)

For the Petitioner/s : Mr.Md.Imteyaz Ahmad, Advocate

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

(In CRIMINAL MISCELLANEOUS No. 67112 of 2022)

For the Petitioner/s : Mr.Md.Imteyaz Ahmad, Advocate

For the Opposite Party/s : Mr.Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-01-2023 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The petitioners are apprehending arrest in connection with Nalanda P.S. Case No. 78 of 2022 under sections 341, 323, 504, 506, 379, 325, 307/34 of the Indian Penal Code.



As per the prosecution story, the informant has alleged assault on the two petitioners who are his agnates.

The specific allegation against Nawal Prasad and Shailendra Yadav is/are of assaulting the informant side causing injuries.

Learned counsel for the petitioners submit that they are family members and the informant who are claiming the land which actually belonged to the accused persons and in that backdrop, some scuffle took place which has been given the colour of assault with further submission that the injury by Nawal Prasad was found to be simple in nature while that of Shailendra Yadav, the opinion was reserved.

The learned APP Mr. Jitendra Kumar Singh on the other submits that a bare perusal of para-3 bail petition would show that both the petitioners have criminal antecedents inasmuch as, they were accused in two criminal cases of Section 302 of the Indian Penal Code and in that backdrop he is resorting the same crime again and again, they do not deserves bail.

Learned counsel for the petitioner in reply submit that in Section 302 of the Indian Penal Code, both the petitioners stand acquitted.



Taking into account the kind of allegation against the petitioners as also the they have criminal antecedents of same nature, this Court is not inclined to grant them relief and the petition is accordingly stands rejected.

(Rajiv Roy, J)

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