

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22729 of 2024

Arising Out of PS. Case No.-152 Year-2023 Thana- RAJNAGAR District- Madhubani

Umesh @ Umesh Kumar Yadav Son of Ramnath Yadav R/o Village- Sonwari,
P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Sah, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-05-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner apprehends arrest in connection with
Rajnagar PS Case No. 152 of 2023, dated 16-06-2023, instituted
for the offence punishable under Sections 341, 323, 324,307,379
and 34 of the Indian Penal Code.

3. The prosecution case, in short, is that while the son of
informant along with his five friends were going to attend in a
'*Baraat*' on motorcycle, they were intercepted by the petitioner
along with co-accused viz., Umesh Yadav and 5-6 unknown
persons and thereafter they assaulted the son of the informant.
On protest, the petitioner, with the view to kill the informant's
son attacked by means of dagger on his belly. When his son fell
down, then co-accused, viz., Somnath Yadav again stabbed 2 to



3 times on his belly by the same dagger. The informant took away his son to PHC, Rajnagar from where he was referred to Sadar Hospital and seeing his serious condition, he was admitted to Cribs Hospital, Madhubani.

4. Learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. It is also submitted that the present F.I.R. has been lodged after two days of the occurrence and there is no any plausible explanation for the delay. The petitioner has no concern with the alleged occurrence and with the alleged co-accused viz., Somnath Yadav. The petitioner is permanently living with his father in Delhi where they are working in sweet shop. Lastly, it is submitted that petitioner is a man of clean antecedents.

5. The learned APP has opposed the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner of stabbing the son of the informant by means of dagger on his belly. The injury report of the son of informant, namely, Ram Babu Yadav, is annexed as Annexure-2 to the bail petition. From perusal of the injury report, it appears that the doctor has found incised wound having size about 8 cm (L), width 2 cm and depth upto peritoneum found in left lumbar



region. (Bowels comes out (protrusion) from left lumbar region and opined that injuries sustained by the injured is caused by sharp cutting object and the nature of injury is endanger to life (due to protrusion of Bowel). The injury report corroborates the allegation against the petitioner.

6. Since there is direct allegation against the petitioner of stabbing the son of the informant by means of dagger on his belly, which has been corroborated by the injury report, I am not inclined to grant bail to the petitioner.

7. Accordingly, the prayer for pre- arrest bail made on behalf of the petitioner is dismissed.

8. However, if the petitioner surrenders before the learned court below within six weeks and prays for regular bail, the same shall be considered and disposed of on its own merit without being prejudiced by this order.

(Khatim Reza, J)

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