

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31362 of 2024

Arising Out of PS. Case No.-236 Year-2023 Thana- DOBHI District- Gaya

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Anil Yadav @ Anil Kumar SON OF GOVIND YADAV RESIDENT OF
VILLAGE- DOBHI, PS- DOBHI, DIST- GAYA

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. The State Of Bihar Patna Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Mr.Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sherghati (Dobhi) P.S. Case No. 236 of 2023 registered for the offences punishable under Sections 341, 323, 342, 325, 307, 379, 504/34 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have assaulted Kamlesh Yadav by means of iron rod upon his head as a result of which Kamlesh Yadav sustained injury on the upper portion of head. Petitioner is also said to have snatched gold chain (*1 bhar*) from the neck of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. He further submits that there is no repetition of blow upon the head of Kamlesh Yadav by the petitioner. He further submits that there is case and counter case between the parties. He further submits that the case of petitioner's side is filed earlier point of time, thereafter, present case was lodged in retaliation. Both the parties are agnates and there is admitted land dispute between the parties in respect of share of property and in the cases of land dispute, facts are generally exaggerated to make the offence graver. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that there is specific allegation against the petitioner and the injury is grievous in nature as mentioned in supplementary affidavit of the bail petition.

6. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner as well as material available on record, I am not inclined to grant privilege of anticipatory bail to petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is, hereby, rejected.

7. However, petitioner is directed to surrender before the concerned court within six weeks from today and if



petitioner does so and seeks regular bail, the concerned court
may pass appropriate order on the day of hearing without being
prejudiced by this order.

(Alok Kumar Pandey, J)

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