

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38335 of 2024

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

Somnath Yadav @Nitish Yadav @Sanjay Kumar Yadav @Somnath @Nitish
S/O Vishambhar Yadav R/O Village- Sonbari, P.S. Rajnagar, District-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav with
Mr. Ravi Prakash, Advocates
For the Opposite Party/s : Ms. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Rajnagar P. S. Case No. 152 of 2023 dated 16.06.2023 instituted
for the offence punishable under Sections 341,323,324, 307 and
379/34 of the Indian Penal Code.

3. The prosecution case in short is that on 14.06.2023
in the night at about 9 PM, while the informant's son along with
his five friends were going to attend a '*Baraat*' on motorcycle
and when they reached Tinbatiya near Primary school Sonbari,
the petitioner along with co-accused, namely, Umesh Yadav and
unknown persons had obstructed the road by bamboo '*balla*'.
Thereafter, they started assaulting the informant's son. On



protest, co-accused, namely, Umesh Yadav inflicted dagger blow on the belly of the informant's son. It is further alleged that when the informant's son fell down, then petitioner Somnath Yadav again stabbed 2-3 times on the belly of the informant's son by the same dagger. Informant took 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 submits that the petitioner is innocent and he has been falsely implicated in this case. The occurrence took place on 14-06-2023 whereas, the FIR was lodged on 16-06-2023 after lapse of two days of alleged occurrence without any plausible explanation. The informant is not an eye witness of the occurrence. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned APP has vehemently opposed the prayer for bail. It is submitted that there is direct allegation against the petitioner and co-accused, namely, Umesh Yadav of inflicting dagger blow on the informant's son. From perusal of the injury report of the informant's son, it is evident that 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 and co-accused, namely, Umesh Yadav 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, prayer of the petitioner for grant of anticipatory bail is rejected.

8. The application stands disposed of.

(Khatim Reza, J)

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