

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43115 of 2024

Arising Out of PS. Case No.-336 Year-2023 Thana- BIHIA District- Bhojpur

Nagendra Yadav @ Nagendra Kumar Yadav, S/O Late Hriday Yadav @
Hridayanand Singh, R/O Village- Fingi, P.S.- Bihiya, District- Bhojpur at
Ara(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 13-09-2024 Heard Mr. Manoj Kumar, learned counsel appearing
on behalf of the petitioner and Mr. Bharat Lal, learned
Additional Public Prosecutor for the State. The informant
appears through Mr. Vivekanand Singh, learned Advocate.

2. The petitioner apprehends his arrest in connection
with Bihiya P.S. Case No. 336 of 2023, registered for the
offences punishable under Sections 307 and 34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. Allegedly while the informant was sitting at her
door, in the mean time the petitioner alongwith co-accused Loha
Yadav came and the petitioner fired upon the right hand of the
informant whereas, co-accused Loha Yadav fired upon her right
chest, due to which she sustained bullet injury. It is further



alleged that just before 5-6 days the petitioner alongwith others had come to the house of the informant and also demanded *rangdari*.

4. Learned Advocate appearing on behalf of the petitioner contended that the false implication of the petitioner is writ large for the simple reason that earlier the husband of the informant had taken loan of an amount of Rs. 3,50,000/- and it was assured to return the said amount within a year, with a condition, if he was unable to return the amount, then the petitioner was allowed to provide a room on first floor of western side of the main gate, but when the demand was made, this case been instituted. Drawing the attention of this Court to the injury report learned Advocate for the petitioner further contended that surprisingly the occurrence took place on 22.03.2024 and she was examined by the In-charge Medical Officer, Primary Health Centre, Bihiya but the report was submitted on 20.03.2024. It is also the contention of the petitioner that the narrations made in the FIR appears to be highly doubtful. The petitioner bears fair antecedent.

5. On the other hand, learned counsel for the State as well as informant while opposing the prayer of the petitioner, submitted at the Bar that the *fardbeyan* of the informant was



recorded in Shanti Memorial Hospital by the sub-inspector of the concerned police station and the injury report also suggest that the injured was examined on 22.12.2023 itself, though the report was submitted by the doctor later on.

6. Regard being had to the submissions made on behalf of the parties; considering the specific nature of accusation against the petitioner of causing fire upon the informant this Court is not inclined to accede to the prayer for anticipatory bail. Accordingly the prayer of the petitioner stands rejected. Needless to observe that if the petitioner surrenders before the Court below within a period of four weeks, the learned jurisdictional Court shall consider the prayer for bail of the petitioner expeditiously, without being prejudice by this order of rejection.

(Harish Kumar, J)

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