

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53827 of 2024

Arising Out of PS. Case No.-89 Year-2024 Thana- BAHADURPUR District- Darbhanga

1. Suresh Yadav SON OF LATE FAKIRA YADAV VILLAGE- CHHOTI EKMI GHAT, PS- BAHADURPUR, DIST- DARBHANGA
2. JAGARNATH YADAV SON OF SURESH YADAV VILLAGE- CHHOTI EKMI GHAT, PS- BAHADURPUR, DIST- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha,Adv.

For the Opposite Party/s : Mr.Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-09-2024 Prayer for anticipatory bail of petitioner No.1 has already been dismissed as withdrawn vide order dated 20.08.2024.

2. Heard the parties.

3. The petitioner No.2 apprehends his arrest in connection with Bahadurpur P.S. Case No. 89 of 2024 dated 03.03.2024 registered for the offence(s) punishable under Section(s) 341, 323, 324, 325, 307, 379, 504 read with section 34 of the Indian Penal Code.

4. Mr. Girish Chandra Jha, learned counsel for the petitioner submits that the petitioner is alleged to have assaulted at the head of the informant's son by means of an iron rod but



the said allegation is completely false as only a laceration of 3x1 cm. over right temporal region of the informant's son was found and in this regard, the injury report (Annexure-P/2) may be perused and the said injury has been opined to be simple in nature. It is further submitted that against this petitioner there is no allegation of having assaulted the informant's son repeatedly and two other co-accused persons, namely, Raj Kumar Yadav @ Raj Kumar and Baijnath Yadav @ Baidhnath Yadav have been granted anticipatory bail by this court vide order dated 29.08.2024 passed in Cr. Misc. No. 52711 of 2024 and though against the petitioner there is criminal antecedent of one case but he is on bail in the said antecedent case and he is a young person.

5. Mr. Anish Chandra, learned APP appearing for the State has opposed the bail prayer of the petitioner.

6. Having considered the specific allegation appearing against this petitioner from the F.I.R. that he is alleged to have assaulted at the vital part of the body of the informant's son and the same gets corroboration from the injury report of the said injured as well as considering the criminal antecedent of the petitioner of one case of *Mar-pit*, this court is not inclined to grant the relief of anticipatory bail to the petitioner. Accordingly,



his prayer stands rejected.

7. However, considering the petitioner’s young age as well as nature of injury sustained by the injured, which is simple in nature, the petitioner is given a liberty to surrender before the trial court within three weeks from today and if the petitioner surrenders within the said period the learned trial court shall decide his regular bail prayer without being prejudiced with this rejection order keeping in view his young age.

(Shailendra Singh, J)

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